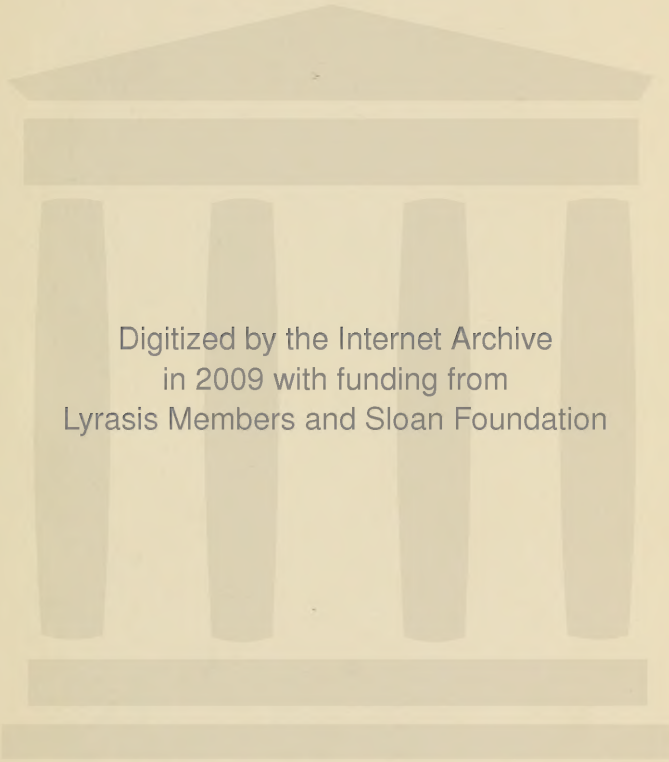


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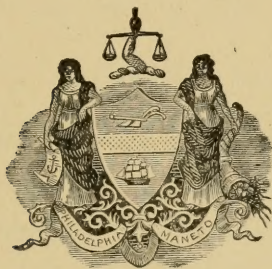
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ORDINANCES
OF THE
CITY OF PHILADELPHIA

From January 1 to December 31, 1913



AND
OPINIONS
OF THE
CITY SOLICITOR

PHILADELPHIA
DUNLAP PRINTING COMPANY, 1315-29 CHERRY STREET
1914

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CERTIFICATE

CLERKS' OFFICE, SELECT AND COMMON COUNCILS.

Philadelphia, January 1, 1914.

WE HEREBY CERTIFY, That we have collated with and corrected by the original Ordinances on file in this Office the proof-sheets of the printed copies of this edition of the Ordinances of the City of Philadelphia, during the year ending December 31, 1913, and that the same are correct copies of the originals.

WILLIAM H. FELTON,

Chief Clerk of Common Council.

WILLIAM J. MILLIGAN,

Chief Clerk of Select Council.

340403

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ORDINANCES

AN ORDINANCE

To regulate the use of Independence Square so far as regards public meetings.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the plot of ground attached to Independence Hall, and known as Independence Square, extending from Chestnut street to Walnut street on the south, and from Fifth street on the east to Sixth street on the west, shall not be used for the purpose of holding any public or private meetings by any citizens or bodies of citizens, corporate or otherwise: *Provided, however*, That the same may be used by the City of Philadelphia, through its proper Departments, for the purpose of holding patriotic meetings to celebrate some event in the history of the Nation, State or City.

Approved the eighth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Fox street, from Twenty-second street to Allegheny avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Fox street, from Twenty-second street to Allegheny avenue, will pass,

that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the sixteenth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit Charles H. Vendig to construct a vault under the sidewalk on the north side of Filbert street, west of Thirteenth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That permission be, and is hereby granted to Charles H. Vendig to construct a vault under the north sidewalk of Filbert street, from Thirteenth street to a point about 92 feet westward. The said vault shall not extend more than eleven feet beyond the building line, and be constructed under the supervision and to the satisfaction of the Department of Public Works, in accordance with plans to be approved by the Board of Highway Supervisors. Before exercising any privilege under this ordinance the said Charles H. Vendig shall first enter into an agreement, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the construction and maintenance of said vault, and to remove the vault and restore the pavement to its present condition at any time within one year after the passage of an ordinance to that effect, and shall pay into the City Treasury the sum of fifty (50) dollars for

the publication of this ordinance: *Provided*, That the provisions of the ordinance approved March 31, 1902, requiring four feet of covering shall not apply to the portion of said vault built within six feet of the building line: *Provided, however*, That the said Charles H. Vendergig shall agree to permit the City of Philadelphia to suspend conduits and wires from the roof of said vault at any time the Departments of the City shall deem the same necessary.

Approved the sixteenth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the City of Philadelphia to enter into a certain agreement with the Bell Telephone Company of Pennsylvania relating to the acquisition by the City of certain real estate for Parkway purposes and for the sale by the City of Philadelphia to the Bell Telephone Company of Pennsylvania of certain real estate adjacent to said Parkway.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor of the City of Philadelphia be, and hereby is authorized, on behalf of the City of Philadelphia, to enter into the following agreement between the City of Philadelphia and the Bell Telephone Company of Pennsylvania:

THIS AGREEMENT, made the _____ day of _____ A. D. 1912, between the CITY OF PHILADELPHIA, hereinafter called "City," and THE BELL TELEPHONE COMPANY OF PENNSYLVANIA, hereinafter called "Company."

WHEREAS, By ordinance approved the third day of July, 1912, City has appropriated for public use, inter alia, all the property bounded by North Seven-

teenth street, Arch street and Parkway, as now laid out on the City plan one hundred forty (140) feet wide, and has authorized the opening of said Parkway from the northwest corner of North Sixteenth and Arch streets to the south line of Appletree street, as formerly laid out on the City plan;

NOW THIS AGREEMENT WITNESSETH:

1. That Company shall forthwith, for the consideration of one dollar (\$1), convey to City a good and marketable title in fee simple, free from all encumbrances, to Company's property at the northeast corner of North Seventeenth and Arch streets, known as numbers 1633, 1635 and 1637 Arch street, having a frontage on Arch street of sixty-four feet six inches (64' 6") and extending back in depth along North Seventeenth street one hundred fifty-seven and eight one-hundredths (157.08) feet to Appletree street; said property being more fully described in the deed dated June 12, 1902, from William J. Skeen to the Bell Telephone Company of Philadelphia, recorded in the Recorder's office of Philadelphia County in Deed Book, Volume W. S. V. 33, page 384.

2. That City shall forthwith acquire, either by deed in fee simple or by condemnation under the appropriate Act of Assembly, all of the property bounded by Arch street, property of the Bell Telephone Company of Pennsylvania above described, Appletree street, and the property now owned by City known as 1613 Arch street.

3. That City shall convey to Company a good and marketable title in fee simple, free from all restrictions, liens or encumbrances (except those restrictions hereinafter mentioned), to all the property bounded by Arch street, North Seventeenth street, and the proposed Parkway, being portions of lots known as 1617 to 1635 Arch street inclusive, and all of 1637 Arch street. The deed shall contain the restriction that no portion of the lot of ground thereby conveyed, nor any building erected or to be erected thereon, shall be used for a blacksmith shop, stable, garage, printing establishment or manufactory, nor for any purpose of an offensive character;

it being understood that Company expects to operate in a building to be erected on said property telephone central offices and the associated apparatus and power plant, which shall not be construed to be included in the foregoing restrictions; and that no portion of the building to be erected thereon shall extend over two hundred and twenty five (225) feet above the established curb level of the Parkway, and that the plans of the building to be erected thereon shall be submitted to and approved by the Art Jury of the City of Philadelphia. The deeds for all other properties along the Parkway east of Logan Square which may hereafter be conveyed by City shall impose restrictions upon the use of such properties, no less onerous than will be imposed in the deed for the property to be conveyed to Company.

4. That, in consideration for the conveyance by City to Company of the above described property as provided in paragraph 3, Company shall pay to City ninety per cent. (90%) of the cost of acquiring, by condemnation, the property bounded by Arch street, property at present owned by Company known as 1633, 1635 and 1637 Arch street, Appletree street, and 1613 Arch street; and it is understood that, in lieu of condemnation, City may purchase any or all of the properties within said boundaries at prices to be agreed upon by Company.

5. That City shall proceed forthwith to acquire the property bounded by Arch street, North Sixteenth street, Appletree street, and property now owned by Company, and cause to be graded, paved and opened for public travel, the Parkway between the northwest corner of Arch and North Sixteenth streets and Appletree street; and it shall also forthwith acquire the property bounded by the south line of Appletree street, as formerly on the City plan, North Sixteenth, North Seventeenth and Cherry streets, and cause to be graded, paved and opened for public travel the Parkway through from Appletree street to the southeast corner of North Seventeenth and Cherry streets.

IN WITNESS WHEREOF, City, by its Mayor, Rudolph Blankenburg, duly authorized thereto, and Company, by

its Second Vice President and General Manager, L. H. Kinnard, also duly authorized thereto, have hereunto affixed the signatures of the respective parties hereto, the day and year first above written.

CITY OF PHILADELPHIA,

By

Mayor.

THE BELL TELEPHONE COMPANY
OF PENNSYLVANIA,

By

*Second Vice President
and General Manager.*

SECT. 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

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OFFICE OF CLERK OF COMMON COUNCIL.

Philadelphia, January 17, 1913.

This is to certify that the ordinance entitled "An Ordinance to authorize the City of Philadelphia to enter into a certain agreement with the Bell Telephone Company of Pennsylvania, relating to the acquisition by the City of certain real estate for Parkway purposes, and for the sale by the City of Philadelphia to the Bell Telephone Company of Pennsylvania of certain real estate adjacent to said Parkway," was presented to the Mayor on the thirty-first day of December, 1912, and was not returned at a meeting of Councils held 10 days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly, approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

AN ORDINANCE

To enter satisfaction of the official bond of Murrell Dobbins, City Treasurer.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and directed to enter satisfaction of the official bond, dated December 18, 1909, of Murrell Dobbins, City Treasurer: *Provided*, The City Controller shall certify that his accounts have been settled and there is no default.

Approved the twentieth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To approve the surety of Murrell Dobbins, City Treasurer.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Fidelity and Deposit Company, of Baltimore, Md., be, and is hereby approved as the surety of Murrell Dobbins, City Treasurer, in the sum of one hundred thousand (100,000) dollars for the faithful performance of his duties.

Approved the twentieth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Delaware avenue, from Christian street to Bigler street, to lines and grades authorized by ordinance approved June 25, 1912.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of

Public Works be authorized and directed to notify the owners of property over and through which Delaware avenue, from Christian street to Bigler street, will pass, to lines and grades authorized by ordinance approved June 25, 1912, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security on behalf of the City of Philadelphia for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the twenty-third day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of a portion of Plan 170, in the Thirty-fourth Ward, by striking from the City plan Arlington street, from Fifty-second to Fifty-fourth street; the revision of the lines and grades of Fifty-third street, from Berks street to Lebanon avenue; the revision of the lines and grades of Georges lane, from Columbia avenue to Berks street; and to place on the City plan Georges lane, from Berks street to Lebanon avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise a portion of Plan 170, in the Thirty-fourth Ward of the City of Philadelphia, by striking from the City plan Arlington street, from Fifty-second to Fifty-fourth street; the revision of the lines and grades

of Fifty-third street, from Berks street to Lebanon avenue; the revision of the lines and grades of Georges lane, from Columbia avenue to Berks street; and to place on the City plan Georges lane, from Berks street to Lebanon avenue: *Provided*, That before the said plan is confirmed the Anthony J. Drexel Estate shall first dedicate the south one-half of Susquehanna avenue, from Bryn Mawr avenue to Fifty-second street; and shall file an agreement, satisfactory to the City Solicitor, releasing the City of Philadelphia from any and all claims for damages by reason of striking from the City plan of Arlington street, from Fifty-second to Fifty-fourth street; and shall also file an agreement, satisfactory to the City Solicitor, to release or waive all claims for damages for placing upon the City plan and the subsequent opening of Georges lane, from Berks street to Lebanon avenue, upon the lines and grades adopted or to be adopted and confirmed by the Board of Surveyors; the revision of the lines and grades and the subsequent opening of Fifty-third street, from Berks street to Lebanon avenue, upon the lines and grades adopted or to be adopted and confirmed by the Board of Surveyors; the revision of the lines and grades and the subsequent opening of Georges lane, from Montgomery avenue to Berks street, upon the lines and grades adopted or to be adopted and confirmed by the Board of Surveyors: *And provided*, That the said deed of dedication and agreements to be filed within one year from the date of the passage of this ordinance: *And provided further*, That the ordinance of April 8, 1890, relative to streets running in a straight line shall not apply to this ordinance.

Approved the thirtieth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Camac, Duncannon, Eleanor, Greenwich, Lawrence, Leithgow, Marshall, Marvine and Warnock streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Camac street, of the width of fifty feet, from Wingohocking to Courtland street; Duncannon street, of the width of sixty feet, from Marshall to Sixth street; Eleanor street, of the width of forty-five feet, from Thirteenth street to Old York road; Greenwich street, of the width of twenty-seven feet six inches, from Marshall to Seventh street; Lawrence and Leithgow streets, each of the width of forty feet, from Rockland street to the Northeast Boulevard; Marshall street, of the width of forty feet, from Lindley avenue to Fishers avenue; Marvine and Warnock streets, each of the width of fifty feet, from Wingohocking to Courtland street: *Provided*, That before the said Camac, Duncannon, Eleanor, Lawrence, Leithgow, Marshall, Marvine and Warnock streets shall be placed on the City plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing the said streets on the plan and their subsequent opening to the confirmed lines and grades; and before the said Greenwich street shall be placed on the plan satisfactory evidence shall be furnished that the said street has been open and in continuous public use for twenty-one years.

Approved the thirtieth day of January, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved December 28, 1894, entitled "An Ordinance to regulate the driving of horned cattle, sheep and swine through the streets of the City of Philadelphia."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the first section of an ordinance approved December 28, 1894, entitled "An Ordinance to regulate the driving of horned cattle, sheep and swine through the streets of the City of Philadelphia," shall be amended by striking out the word "sheep" on the third line.

Approved the thirteenth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan Homestead street, from Milnor street to Delaware avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan Homestead street, from Milnor street to Delaware avenue: *Provided*, That a bond or agreement is filed, within one year from the approval of this ordinance, satisfactory to the City Solicitor, indemnifying the City from all damages by reason of the striking of said street from the plan.

Approved the seventeenth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the lines and grades of Plan 298, in the Twenty-first Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Plan No. 298, in the territory bounded by Hermit street, Rochelle avenue, Roxborough avenue, produced, and Wissahickon avenue, in the Twenty-first Ward.

Approved the seventeenth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan Higbee street, between Milnor street and Delaware avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to strike from the City plan Higbee street, between Milnor street and Delaware avenue: *Provided*, That the owners of property on said street shall, within one year from the approval of this ordinance, file an agreement, satisfactory to the City Solicitor, indemnifying the City from all damages by reason of the striking of said street from the plan.

Approved the twentieth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Ardleigh, Belgrade, Chestnut, Crefeld, D, Edgemont, Eveline, Fifty-fourth, Fillmore, Fox, Granite, Marshall, Murray, Peach, Pearce, Ruby, Salmon, Sanger, Second, Seltzer, Seventeenth, Smedley, Stockley, Swanson, Thompson, Tulpehocken, Wakeling, Wendover and Westmoreland streets, Duncannon, Fishers, Gibson, Warrington and Wellens avenues, Castor road and Cobbs Creek Parkway.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Ardleigh street, from Cheltenham avenue to Price street; Belgrade street, from dead end north of Lehigh avenue to Somerset street; Chestnut street, from Sixty-second street to Cobbs Creek Parkway; Crefeld street, from Chestnut avenue to West Sunset avenue; D street, from Solly to Hoffnagle street; Edgemont street, from Orthodox to Berkshire street; Eveline street, from Frederick street north to dead end; Fifty-fourth street (west side), from City line to Wynnefield avenue; Fillmore street, from Castor road to the Boulevard; Fox street, from Allegheny avenue to Hunting Park avenue; Granite street, from Torresdale avenue to Ditman street; Marshall street, from Cayuga to Wingohocking street; Murray street, from Bustleton avenue to Dungan street; Peach street, from Warrington avenue to Florence avenue; Pearce street, from Orthodox to Duncan street; Ruby street, from Warrington avenue to Florence avenue; Salmon street, from Orthodox to Berkshire street; Sanger street, from Rising Sun avenue to G street; Second street, from Duncannon avenue to Ashdale street; Seltzer street, from Salmon to Belgrade street; Seventeenth street, from Butler to Pike street; Smedley street, from Pike to Luzerne street; Stockley street, from Hunting Park avenue to Roberts avenue; Swanson street, from Snyder avenue to McKean street; Thompson street, from Orthodox to Berkshire street; Tulpehocken street, from Baynton to Morton

street; Wakeling street, from Hawthorne to Valley street; Wendover street, from Apple to Tower street; Westmoreland street, from Fox street to Hunting Park avenue; Duncannon avenue, from Marshall to Fairhill street; Fishers avenue, from Fifth to Tenth street; Gibson avenue, from Island road to Eighty-first street; Warrington avenue, from Fifty-third to Fifty-fourth street; Wellens avenue, from Third to Fourth street; Castor road, from Fillmore to Foulkrod street; Cobbs Creek Parkway, from Market to Walnut street.

Approved the twentieth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To grant permission to the Baltimore and Ohio Railroad Company to construct, maintain and operate a railroad track or siding across Winter street, and connecting with the present siding on Bonsall street, in the Tenth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Baltimore and Ohio Railroad Company to construct, maintain and operate a railroad track, or siding, connecting with the present siding on Bonsall street, at a point between Winter street and Vine street, and extending thence upon and along Bonsall street and Winter street into private property on the south side of Winter street, and thence across Winter street into property of the American Tin and Terne Plate Company on the north side of Winter street, with the right to use the present siding on Bonsall street for the purposes of the siding hereby authorized: *Provided*, That said track, or siding, shall be laid under the supervision of the Director of the Department of Public Works, and in accordance with plans approved by the Board of Highway

Supervisors, and removed at any time upon the passage of a resolution of Councils to that effect without any expense to the City of Philadelphia, and without any recourse for damages against said City of any kind whatsoever, either property, personal or otherwise: *Provided also*, That the said Baltimore and Ohio Railroad Company shall first pay into the City Treasury the sum of fifty (50) dollars for printing this ordinance.

Approved the twentieth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the Mayor to accept the sum of twenty-six thousand five hundred (26,500) dollars from the members of the Northeast Saengerbund in full settlement of all claims and promises in connection with the Twenty-third National Saengerfest; and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, On December 14, 1911, his Honor, the Mayor, presented to Councils a message requesting an appropriation of fifty thousand (50,000) dollars towards the erection of a concert hall in which to hold the Twenty-third National Saengerfest, with the understanding that the Northeast Saengerbund would contribute a like amount towards its erection;

AND WHEREAS, The cash results of the Saengerfest, together with the concert held to provide the amount promised by the said Saengerfest, amounts at the present time to only twenty-six thousand five hundred (26,500) dollars, which sum said Saengerfest is willing to transfer to the City of Philadelphia, as there seems very little prospect of raising additional funds; therefore,

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Mayor be authorized to accept the said sum of twenty-six thousand five hundred (26,500) dollars from the members of the Northeast Saengerbund in full settlement for all pledges and promises in connection with the Twenty-third National Saengerfest held in Philadelphia, June 29th to July 14, 1912. The said amount to be paid into the City Treasury.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twenty-first day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the creation of a loan or loans by the City of Philadelphia in the sum of seven million (7,000,000) dollars for the construction of main and branch sewers, the erection of new bridges, the grading and paving of streets, resurfacing asphalt streets, improving country roads, repairs to streets, the improvement of the water supply of West Philadelphia, the acquisition of land for harbor improvement and the construction of wharves, etc., the improvement of South Delaware avenue, the acquisition of land and construction of buildings for the indigent and the treatment of contagious diseases, for fire apparatus, the erection of new and improvement of existing police and fire stations, the erection of a machine shop, the improvement of Fairmount and other parks, the payment of mandamuses, and for children's playgrounds.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Mayor of the City be, and he is hereby authorized to borrow, at such

times and in such proportions as in his judgment the best interests of the City demand, from the highest bidder or bidders, either by popular subscription or by advertisement, at not less than par, on the faith and credit of the City of Philadelphia, a sum or sums which in the aggregate shall not exceed seven million (7,000,000) dollars, to be expended as provided for in the second section of this ordinance.

SECT. 2. The money raised by the loan or loans authorized by the first section of this ordinance, viz.: seven million (7,000,000) dollars, shall be expended as follows: For the construction of main sewers, four hundred thousand (400,000) dollars; for the construction of branch sewers, four hundred thousand (400,000) dollars; for the erection of new bridges, two hundred thousand (200,000) dollars; for grading streets, six hundred thousand (600,000) dollars; for paving intersections and in front of unassessable property, one hundred and fifty thousand (150,000) dollars; for resurfacing asphalt streets, five hundred thousand (500,000) dollars; for improving country roads, three hundred thousand (300,000) dollars; for repairs to streets, two hundred thousand (200,000) dollars; for the improvement of the water supply of West Philadelphia, three hundred thousand (300,000) dollars; for the acquisition of land for harbor improvements and the construction of wharves, etc., one million six hundred thousand (1,600,000) dollars; for the improvement of South Delaware avenue, two hundred and fifty thousand (250,000) dollars; for the acquisition of land and construction of buildings for the Philadelphia Hospital for Contagious Diseases and the Home for the Indigent, two hundred and fifty thousand (250,000) dollars; for the purchase of fire apparatus, one hundred thousand (100,000) dollars; for the erection of new and the improvement of existing police and fire stations, two hundred thousand (200,000) dollars; for the erection of a machine shop, fifty thousand (50,000) dollars; for the improvement of Fairmount and other parks, five hundred thousand (500,000) dollars; for the payment of mandam-

uses, nine hundred thousand (900,000) dollars; and for children's playgrounds, one hundred thousand (100,000) dollars.

SECT. 3. Interest on said loan at a rate not exceeding four per centum per annum shall be paid by the City of Philadelphia, half yearly, on the first days of the months of January and July, at the office of the fiscal agency of the City of Philadelphia. Certificates of the said loan shall be in usual form, in such amounts as the lender may require, in the sums of one hundred (100) dollars and its multiples, in registered or coupon form, and it shall be expressed in the said certificates that the loan therein mentioned is payable in thirty years after date thereof, and that the principal and interest on said loan are payable in lawful money of the United States free from all taxes.

SECT. 4. Whenever any loan shall be created by virtue of this ordinance, there is, by force of this ordinance, an annual tax levied of six and one-half ($6\frac{1}{2}$) per centum on the par value of such certificates so issued to pay the interest, also the principal of such loan within thirty years, and there is hereby annually appropriated to the Commissioners of the Sinking Fund, out of the tax so collected, a sum sufficient to pay the interest on said loan, also the principal thereof, within thirty years and as the same becomes payable. The appropriation for the interest to be paid semi-annually, and for the Sinking Fund quarterly to the said Commissioners.

Approved the twenty-fifth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Philadelphia Rapid Transit Company, pursuant to the contract of July 1, 1907, to sell and deliver certain of its equipment, and to take a lease thereof and of other equipment with the right to repurchase the same, and to enter into an agreement or assignment of lease under which car trust certificates may be issued, and to guarantee the payment of said car trust certificates, said certificates representing rental to be paid by the Philadelphia Rapid Transit Company under the terms of the lease; and further granting to the Philadelphia Rapid Transit Company the general right hereafter to acquire from time to time equipment by taking a lease of the same and becoming parties to agreements of assignments of leases under which car trust certificates may from time to time be issued and guaranteed.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the consent of the City of Philadelphia is hereby given to the Philadelphia Rapid Transit Company, pursuant to the contract of July 1, 1907, to sell and deliver any or all of its equipment for surface and elevated lines, on such terms as may be agreed upon with the purchaser, and to take a lease of the same and of other equipment, upon terms to be agreed upon, with the right to repurchase the same upon the termination of the lease, and to enter into an agreement of assignment of lease under which car trust certificates may be issued, representing interests in said equipment and in the rental to be paid under said lease, and to guarantee the payment of said car trust certificates, with the dividend warrants thereunto appertaining: *Provided however*, That the total amount of car trust certificates to be so issued shall not exceed the sum of four million two hundred thousand (4,200,000) dollars.

SECT. 2. Consent is further given to the Philadelphia Rapid Transit Company from time to time hereafter, to provide for additional equipment by further leases and

agreements which may be made the basis of further issues of car trust certificates, and to guarantee the payment of such certificates with the dividend warrants; said issue not in any case to exceed eighty (80) per cent. of the cost of said equipment.

Approved the twenty-eighth day of February, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan Rhawn street, from State road to Delaware river, and Wissinoming, Milnor and Eugene streets, from Holmesburg avenue southward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan Rhawn street, from State road to Delaware river; Wissinoming, Milnor and Eugene streets, from Holmesburg avenue southward.

Approved the fifth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance selecting and appropriating two certain tracts of ground in the Twenty-second and Forty-second Wards as a park and open public place for the health and enjoyment of the people, authorizing the placing of the same upon the

City plan and directing the Commissioners of Fairmount Park to assume the custody and maintenance of the same," approved the first day of December, 1911.

SECTION 1. *The Select and Common Councils of the City of Philadelphia, do ordain*, That Section 1 of an ordinance entitled "An Ordinance selecting and appropriating two certain tracts of ground in the Twenty-second and Forty-second Wards as a park and open public place for the health and enjoyment of the people, authorizing the placing of the same upon the City plan and directing the Commissioners of Fairmount Park to assume the custody and maintenance of the same," approved the first day of December, 1911, which reads as follows:

"That by virtue and in pursuance of the authority vested in them by the fourth section of an Act of Assembly approved May 13, 1857, they do select and appropriate, for park purposes and for the health and enjoyment of the people forever, all those two certain tracts of ground lying in the Twenty-second and Forty-second Wards, and bounded and described as follows: One of them beginning at a point the intersection of the southeast side of Wister street (forty feet wide) and the southwest side of Duncannon street (fifty feet wide); thence extending along the southeast side of said Wister street crossing Duncannon street north forty degrees four minutes east one hundred and thirty-four feet four and one-quarter inches to an angle; thence still along the southeast side of said Wister street north forty degrees twenty-one minutes east two hundred and fourteen feet eight inches to a point in the westerly right-of-way line of the Germantown Branch of the Philadelphia and Reading Railway; thence extending along the said right-of-way line the ten following courses and distances: south sixty-three degrees twenty-seven minutes, east one hundred feet, south fifty-five degrees seventeen minutes, east one hundred feet, south fifty degrees thirteen minutes, east one hundred feet, south thirty-eight degrees thirty-four minutes, east one hundred feet, south thirty-one degrees forty-three minutes, east one hundred feet, south twenty-one degrees twenty-four minutes, east one hundred feet, south fifteen degrees nine-

teen minutes, east one hundred feet, south four degrees fourteen minutes, east one hundred feet, south one degree forty-three minutes six seconds, east one hundred feet, south one degree ten minutes, west twenty-nine feet and three-fourths of an inch to a point in the northerly line of said Duncannon street (fifty feet wide), as formerly on the City plan; thence extending along the northerly side of said Duncannon street north seventy-eight degrees forty minutes and twenty seconds, west sixteen feet five and three-eighths of an inch to an angle; thence crossing said Duncannon street south forty-two degrees fifty minutes three seconds, west fifty feet and three-fourths of an inch to a point the intersection of the southwest side of Duncannon street and the northwest side of Shedaker street; thence extending along the northwest side of Shedaker street south thirty-nine degrees twenty-nine minutes, west one hundred and forty-nine feet four and five-eighths inches to a point; thence extending north forty-nine degrees fifty-seven minutes fifty seconds, west four hundred and eighty feet four inches to a point; thence extending north forty degrees four minutes, east one hundred and forty-nine feet seven and five-eighths inches to a point in the southwest side of the said Duncannon street (fifty feet wide); thence extending along the southwest side of said Duncannon street north forty-nine degrees fifty-six minutes, west three hundred and twenty feet to a point in the southeast side of the said Wister street, the first mentioned point and place of beginning.

The other of them being all that certain tract of ground known as Wisters Woods Park, as placed upon the City plan by confirmation by the Board of Surveyors July 1, 1907, under authority of an ordinance of Councils approved March 12, 1907, and bounded, generally, by East Logan street, the right-of-way of the Germantown Branch of the Philadelphia and Reading Railway, Wister street, Somerville avenue and Nineteenth street."

Be amended so as to read as follows:

That by virtue and in pursuance of the authority vested in them by the fourth section of an Act of Assembly approved May 13, 1857, they do select and appropriate, for

park purposes and for the health and enjoyment of the people forever, all that certain tract of ground lying in the Twenty-second Ward, and bounded and described as follows: Beginning at a point the intersection of the south-east side of Wister street (forty feet wide) and the south-west side of Duncannon street (fifty feet wide); thence extending along the southeast side of said Wister street crossing Duncannon street north forty degrees four minutes east one hundred and thirty-four feet four and one-fourth inches to an angle; thence still along the south-east side of said Wister street north forty degrees twenty-one minutes east two hundred and fourteen feet eight inches to a point in the westerly right-of-way line of the Germantown Branch of the Philadelphia and Reading Railway; thence extending along the said right-of-way line the ten following courses and distances: south sixty-three degrees twenty-seven minutes, east one hundred feet, south fifty-five degrees seventeen minutes, east one hundred feet, south fifty degrees thirteen minutes, east one hundred feet, south thirty-eight degrees thirty-four minutes, east one hundred feet, south thirty-one degrees forty-three minutes, east one hundred feet, south twenty-one degrees twenty-four minutes, east one hundred feet, south fifteen degrees nineteen minutes, east one hundred feet, south four degrees fourteen minutes, east one hundred feet, south one degree forty-three minutes six seconds, east one hundred feet, south one degree ten minutes, west twenty-nine feet and three-fourths of an inch to a point in the northerly line of said Duncannon street (fifty feet wide) as formerly on the City plan; thence extending along the northerly side of said Duncannon street north seventy-eight degrees forty minutes and twenty seconds, west sixteen feet five and three-eighths inches to an angle; thence crossing said Duncannon street south forty-two degrees fifty minutes three seconds, west fifty feet and three-fourths of an inch to a point the intersection of the south-west side of Duncannon street and the northwest side of Shedaker street; thence extending along the northwest side of Shedaker street south thirty-nine degrees twenty-nine minutes, west one hundred and forty-nine feet four and five-eighths inches to a point; thence extending north

forty-nine degrees fifty-seven minutes fifty seconds, west four hundred and eighty feet four inches to a point; thence extending north forty degrees four minutes, east one hundred and forty-nine feet seven and five-eighths inches to a point in the southwest side of the said Duncannon street (fifty feet wide); thence extending along the southwest side of said Duncannon street north forty-nine degrees fifty-six minutes, west three hundred and twenty feet to a point in the southeast side of the said Wister street, the first mentioned point and place of beginning.

Approved the sixth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan and vacate Laurel street, from Bodine to Third street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to strike from the City plan and vacate Laurel street, from Bodine to Third street: *Provided*, That an agreement or bond, satisfactory to the City Solicitor, be first filed indemnifying the City of Philadelphia from all damages by reason of striking said street from the plan and its vacation.

Approved the sixth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Amending an ordinance approved December 31, 1908, entitled "An Ordinance to authorize the erection of warning signs to preserve the peace and quietude of persons confined in hospitals and like places in the City of Philadelphia, and providing fines for unnecessary noises in the vicinity of hospitals and like places."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved December 31, 1908, entitled "An Ordinance to authorize the erection of warning signs to preserve the peace and quietude of persons confined in hospitals and like places in the City of Philadelphia, and providing fines for unnecessary noises in the vicinity of hospitals and like places," be altered and amended by striking out, in Section 1, the word "Hospital" before the word "Notice," also by inserting after the word "sick," on the fourth line thereof, the words "and the authorities of any public or private school in the City of Philadelphia," also by adding after the last word in Section 1 the words "or any such schools," also in Section 2, amend by adding after the word "sick" on the second line thereof the words "or tending to disturb those engaged either as teachers or pupils in public or private schools during the hours of 9 A. M. and 4 P. M." in the case of schools, also by adding after the word "sick" on the fourth line of Section 2 the words "or in the vicinity of public or private schools in the City of Philadelphia," so that said ordinance, as amended, shall read as follows:

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That hospitals, lying-in asylums and sanitariums and other institutions for the treatment of the sick and the authorities of any public or private school in the City of Philadelphia be authorized to place a conspicuous sign or signs on their buildings or property displaying the words: "Notice.—All unnecessary noises are prohibited under penalty of the law" as a warning or admonition to pedestrians, drivers, vendors or street

musicians, to refrain from making any or such noises, or from fast driving as may tend to disturb the peace and quietude of any of the inmates of any such institution or any such schools.

SECT. 2. Any unnecessary noises tending to disturb the sick, or tending to disturb those engaged either as teachers or pupils in public or private schools during the hours of 9 A. M. and 4 P. M. in the case of schools, caused by pedestrians, vendors or street musicians or fast driving in the vicinity of hospitals, lying-in asylums or other institutions for the treatment of the sick, or in the vicinity of public or private schools in the City of Philadelphia on which said warning signs shall have been placed as aforesaid, are declared to be a nuisance, and any person guilty thereof shall be liable to a fine not exceeding ten (10) dollars, to be recovered as debts of like amount are now by law recoverable.

SECT. 3. This ordinance shall take effect immediately. All ordinances or parts of ordinances inconsistent therewith be, and the same are hereby repealed.

Approved the twelfth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Bristol, Eighth, Lawrence, Markoe, Ontario, Pike, Stewart, Upsal and Wishart streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Bristol street, from Eighth to Ninth street; Eighth street, from Lycoming street to Hunting Park avenue; Lawrence street, from Rockland to Ruscomb street; Markoe street, from Chestnut to Walnut street; Ontario street, from

Balfour to Richmond street; Pike street, from Eighth to Tenth street; Stewart street, from Fifty-sixth to Fifty-seventh street; Upsal street, from Wissahickon avenue to Park Line Drive; Wishart street, from Howard to Mascher street.

Approved the twentieth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize N. Snellenburg & Company to lay and maintain a railroad siding, or turnout, carried by a bridge across and over Berks street, east of Tenth street, from their property situate on the southeast corner of Berks and Tenth streets, to connect with the existing elevated tracks of the Philadelphia and Reading Railway Company on the north side of Berks street.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to N. Snellenburg & Company to lay and maintain a railroad siding, or turnout, carried by a bridge across and over Berks street, east of Tenth street, in order to connect their property situate on the southeast corner of Berks and Tenth streets with the existing elevated tracks of the Philadelphia and Reading Railway Company on the north side of Berks street, as shown on plan on file in the Department of Public Works (Bureau of Surveys). The said bridge not to exceed twenty-three (23) feet in width and the clearance under said bridge over the curb lines to be not less than twenty (20) feet. Before exercising any privileges under this ordinance the said N. Snellenburg & Company shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the construction and maintenance of the said siding and bridge, and the said siding and bridge shall be constructed under the

supervision and direction of the Department of Public Works (Board of Highway Supervisors), and shall be removed upon the passage of an ordinance to that effect without any expense to the City of Philadelphia and without any recourse for damage against the said City, either property, personal or otherwise, and the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance: *Provided*, That the said N. Snellenburg & Company shall maintain, at their own expense, one electric arc light beneath said siding or elevated structure until the removal of said structure.

Approved the twentieth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

To approve lease of office for the Bureau of Surveys, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, The ordinance approved May 23, 1878, requires the approval of Councils to all leases of property rented by any Department of the City; therefore,

Resolved, By the Select and Common Councils of the City of Philadelphia, That the lease of property No. 1206 Reed street, from M. E. Carroll, for the purpose of furnishing an office for the Second Survey District, Bureau of Surveys, Department of Public Works, at a rental of forty-five (45) dollars a month, be, and the same is hereby approved, the said lease to date as of February 1, 1913, for a period of one year.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twentieth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Safety to draw, and the City Controller to countersign, a certain warrant or warrants for fire apparatus.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety be, and is hereby authorized to draw, and the City Controller to countersign, a certain warrant or warrants in payment of automobiles for the Chief Engineer, Deputy Chief and Battalion Chiefs in the Bureau of Fire against 1912 Item 63d (loan) in the annual appropriation to the Department of Public Safety (Bureau of City Property) for the purchase of police and fire apparatus and equipment of fire boats.

Approved the twenty-eighth day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend the ordinance approved September 7, 1911, authorizing the opening of Washington lane, to its full width, from Chew street to County line.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 1 of the ordinance approved September 7, 1911, entitled "An Ordinance to authorize the opening of Washington lane, to its full width, from Chew street to County line," be, and the same is hereby altered and amended by striking out the words "Chew street" and inserting in lieu thereof the words "Stenton avenue," so that it shall read as follows: "That the Department of Public Works be authorized and directed to notify the owners of property over and through which Washington lane, to its full width, from Stenton

avenue to County line, will pass, that at the expiration of three months from the date of said notice said street will be required for public use."

Approved the thirty-first day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of Penn, Rubicam and Bringhurst streets, in the Twenty-second Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Penn street, from Bellfield avenue to Rubicam street; Rubicam street, from Penn street to Bringhurst street; and Bringhurst street, from Rubicam street to the offset in Rubicam street.

Approved the thirty-first day of March, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation of two hundred thousand (200,000) dollars, being the amount paid into the City Treasury under Act of Assembly of June 15, 1911, to the Department of Public Health and Charities, to be used in and toward the erection of buildings for the care and maintenance of feeble-minded and idiotic persons on the site furnished by the City of Philadelphia at Byberry for the Philadelphia Institution for the Feeble-Minded.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred thousand (200,000) dollars, being the amount paid into the City Treasury under appropriation of the Commonwealth by Act of Assembly approved June 15, 1911, toward the erection of buildings for the care and maintenance of feeble-minded and idiotic persons in the City of Philadelphia, on a site to be furnished by said City, and to be known as the Philadelphia Institution for the Feeble-Minded, be, and the same is hereby appropriated to the Department of Public Health and Charities, to Item 39 (new), to be used in and toward the erection of buildings for the care of feeble-minded and idiotic persons on the site heretofore furnished for that purpose at Byberry at the Philadelphia Institution for the Feeble-Minded, in accordance with the provisions and requirements of said statute.

Approved the tenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Works (Bureau of Highways) for emergency repairs to meadow banks.

WHEREAS, There are several thousands of acres of land in West Philadelphia, lying below the high water tide in the Delaware and Schuylkill rivers;

AND WHEREAS, These lands within Philadelphia County are not entirely surrounded by protecting dikes, but owing to the absence of dikes along Bow creek for a distance of about two miles, the said low lands in Philadelphia County are dependent for protection on dikes along Tinicum Island, on the Delaware river, and Darby creek, which dikes are in Delaware County;

AND WHEREAS, The said Delaware County dikes are in a dangerous condition, and unless repaired at once are liable to break and cause damaging floods to cover the said low lands lying within Philadelphia County;

AND WHEREAS, The Commissioners of Delaware County have failed to recognize the notification of the Chief of the Bureau of Highways to repair said dangerous banks;

AND WHEREAS, By reason of such failure on the part of said Commissioners of Delaware County, the question of responsibility may have to be settled by litigation;

AND WHEREAS, Such litigation will undoubtedly require more time than it is safe to spend before said dikes in Delaware County are repaired;

AND WHEREAS, By reason of the foregoing it is apparent that there exists an emergency in connection with which the City of Philadelphia should take immediate action in order to protect the lands and property lying within her boundaries;

AND WHEREAS, In view of the foregoing, the Director of the Department of Public Works has been advised by the City Solicitor to ask Councils for the required appropriation to do the necessary work to repair said banks in Delaware County, and when such appropriation is made, to serve a preliminary notice on the said Commissioners of Delaware County, and then to proceed with the said work of repairs and adjust the question of cost by litigation or otherwise after the work has been done; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized and directed to draw, and the City Controller to countersign, warrants in payment for such labor, tools, dredges, equipment, etc., as may be found necessary to repair the dangerous places in the dikes along the southern and eastern boundaries of Tinicum Island, in Delaware County, on the Delaware river and Darby creek.

SECT. 2. The sum of twenty thousand (20,000) dollars be, and the same is hereby appropriated to Item 14c,

Bureau of Highways, for the above-named purpose, any balance remaining to be used in general work on meadow banks and sluiceways in the southern section of the City.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the eleventh day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the West Philadelphia Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, to extend its tracks and overhead trolley system on Juniper street, so as to connect the east-bound track with the west-bound track at that point, making a loop around the City Hall.

WHEREAS, The West Philadelphia Passenger Railway Company already has tracks on Juniper street, and its lessee, the Philadelphia Rapid Transit Company, desires to extend its tracks and overhead trolley system on Juniper street, so as to make the east-bound track of the West Philadelphia Passenger Railway Company connect with its west-bound track at that point, making a loop around the City Hall; and

WHEREAS, The West Philadelphia Passenger Railway Company has duly accepted the Constitution of 1874, and has, through its lessee, the Philadelphia Rapid Transit Company, applied for permission to connect its tracks on Juniper street at the east side of City Hall for a distance of less than six hundred feet, in accordance with the general powers granted under the Act of April 30, 1878, entitled "An Act to authorize cities of the first class to consent to the extension of street passenger railways."

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain, That consent be, and the*

same is hereby given to the West Philadelphia Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, to extend its tracks and overhead trolley system on Juniper street, east of the City Hall, so as to connect the present east-bound track and overhead trolley system of the West Philadelphia Passenger Railway Company with the west-bound track and overhead trolley system. This consent is given subject to all the terms and conditions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company.

Approved the fourteenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Safety, Public Works and Coroner, for the purchase and maintenance of automobiles, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eleven thousand nine hundred (11,900) dollars be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works and Coroner, for the purchase and maintenance of automobiles, for the year 1913, viz.: Department of Public Safety (Bureau of Police): To Item 2 (b), for the purchase and maintenance of an automobile for the Superintendent, three thousand (3,000) dollars; to Item 22 (b), for the purchase of an automobile for Assistant Fire Marshal John A. Jones, seven hundred (700) dollars. Bureau of Building Inspection: To Item 5 (b), for purchase of automobile, eight hundred (800) dollars. Department of Public Works (Bureau of Water): To Item 2 (c), for the purchase of

an automobile, eight hundred (800) dollars; to Item 12 (b), for the purchase of two automobiles, one thousand eight hundred (1,800) dollars; to Item 18 (e), for the purchase of an automobile truck, one thousand (1,000) dollars; to Item 21 (b), for the purchase of an automobile, eight hundred (800) dollars. (Coroner): To Item 4 (b), for the purchase of an automobile, three thousand (3,000) dollars.

I approve this ordinance, excepting the following items: Department of Public Safety (Bureau of Police): To Item 22 (b), for the purchase of an automobile for Assistant Fire Marshal John A. Jones, seven hundred (700) dollars. Bureau of Building Inspection: To Item 5 (b), for purchase of automobile, eight hundred (800) dollars. Coroner: To Item 4 (b), for the purchase of an automobile, three thousand (3,000) dollars.

By reason thereof reducing the total amount of this ordinance from eleven thousand nine hundred (11,900) dollars to seven thousand four hundred (7,400) dollars.

Approved the fifteenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Mayor, Civil Service Commission, City Commissioners, Clerk of Quarter Sessions, City Controller, Coroner, Clerks of Councils, Commissioners of Fairmount Park, Inspectors of the County Prisons, Receiver of Taxes, Board of Recreation, Recorder of Deeds and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one mil-

lion and fifty thousand four hundred and twenty-seven (1,050,427) dollars and sixty-five (65) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Mayor, Civil Service Commission, City Commissioners, Clerk of Quarter Sessions, City Controller, Coroner, Clerks of Councils, Commissioners of Fairmount Park, Inspectors of the County Prisons, Receiver of Taxes, Board of Recreation, Recorder of Deeds and City Treasurer, for the year 1913, viz.:

DEPARTMENT OF PUBLIC SAFETY.

DIRECTOR'S OFFICE.

Item 2. Postage, car fare, communication services and miscellaneous, two thousand five hundred dollars	\$2,500
Item 4. Maintenance of automobiles, one thousand dollars	1,000
Total, three thousand five hundred dollars.	\$3,500

BUREAU OF POLICE.

Item 4.	
(c) Keep and pasturing of horses, two thousand dollars	\$2,000
(d) Postage and advertising, three hundred dollars	300
(e) Expenses of office and station houses, one thousand dollars	1,000
Item 6.	
(b) Repairs to badges, batons, belts, etc., four hundred dollars	400
(d) Repairs to furniture, four hundred dollars..	400
(e) Repairs and expenses of van service, two hundred dollars	200

(i) Maintenance and supplies for printing press, five hundred dollars	500
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Item 9.

(a) Transportation, one thousand dollars.....	1,000
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(b) Communication services, one thousand seven hundred dollars	1,700
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Item 13. (b) Morris Refuge Association, five hundred dollars	500
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Item 14.

(a) Transportation, one thousand dollars.....	1,000
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(b) Meals to prisoners, two thousand five hundred dollars	2,500
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Item 19. Repairs to boats, two thousand five hundred dollars	2,500
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Item 21. Transportation, keep of horses, wagons and automobiles, three thousand five hundred dollars	3,500
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Item 23. Repairs and maintenance of automomobile, Superintendent of Police, five hundred dol- lars	500
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Item 24. Medical attendance, five thousand two hundred dollars	5,200
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Item 6.

(f) Repairs to police and patrol stations, five thousand dollars	5,000
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(g) Repairs to stoves, steam heaters, etc., three thousand four hundred dollars	3,400
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(h) Repairs to market houses, etc., one thousand dollars	1,000
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Total, thirty-two thousand six hundred dollars	\$32,600
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BUREAU OF FIRE.

Item 2.	
(a) Postal services, one hundred dollars	\$100
(b) Miscellaneous services, one hundred dollars.	100
Item 9. Shoeing and pasturing of animals, five thousand dollars	5,000
Item 11. (a) Repairs and maintenance of automobiles, one thousand five hundred dollars....	1,500
Item 16. To fit up property at Somerton as a chemical hose house, two thousand five hundred dollars	2,500
Total, nine thousand two hundred dollars.	\$9,200

ELECTRICAL BUREAU.

Item 1. Wages, two hundred and two dollars	\$202
Item 2. Transportation, cartage and advertising, two thousand three hundred dollars.	2,300
Item 3. (a) Incidental supplies, one thousand four hundred dollars	1,400
Item 5. (b) Incandescent current, twenty-one thousand dollars	21,000
Item 6. (b) Wages, sixteen thousand five hundred and seventy dollars	16,570
Item 8. (b) Wages, five thousand five hundred and forty-nine dollars and twenty-five cents	5,549 25
Item 9. Laborers, two thousand four hundred and twelve dollars and fifty cents....	2,412 50
Item 11. For the replacing and rearranging of defective steam piping in power plant..	3,000
Item 13. For additions to steam piping system, three thousand seven hundred and forty-five dollars	3,745

Item 14.

(b) Wages, two thousand eight hundred and eighty-six dollars and twenty-five cents...	2,886 25
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Item 17.

(b) Wages, seventeen thousand seven hundred and thirty-five dollars and fifty cents..	17,735 50
(c) Additional construction gang, ten thousand one hundred dollars	10,100

Item 18. (a) Hauling and repairs, including foot-walks, two thousand dollars.....	2,000
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Item 20. Reinforcing posts, etc., four thousand three hundred and eighty-four dollars and fifty cents	4,384 50
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Total, ninety-three thousand two hundred and eighty-five dollars \$93,285

BUREAU OF CORRECTION.

Item 2. Advertising and miscellaneous, two hundred dollars	\$200
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Item 6. (c) Repairs to bedding and furniture, one thousand dollars	1,000
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Total, one thousand two hundred dollars.. \$1,200

BUREAU OF BUILDING INSPECTION.

Item 2. (a) Transportation, postage, printing, etc., two hundred dollars	\$200
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Item 4. (a) Horse keep and automobile maintenance, five thousand two hundred dollars..	5,200
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Total, five thousand four hundred dollars \$5,400

BUREAU OF ELEVATOR INSPECTION.

Item 2. Transportation and postage, five hundred dollars	\$500
Item 3. Stationery, seventy-five dollars	75
Total, five hundred and seventy-five dollars	\$575

BUREAU OF BOILER INSPECTION.

Item 3. Special and miscellaneous supplies, two hundred dollars	\$200
Total for Department, one hundred and forty-five thousand nine hundred and sixty dollars	\$145,960

DEPARTMENT OF PUBLIC WORKS.

DIRECTOR'S OFFICE.

Item 2.	
(a) Transportation, carriage, cab and motor vehicle hire, fifty dollars	\$50
(c) Communication service, advertising and publication of notices, four hundred and one dollars and sixty-seven cents	401 67
Item 3. Pamphlets, magazines, newspapers and miscellaneous, one hundred and fifty dollars	150
Item 7. Transportation, communication service and hotel expenses, two hundred and fifty dollars	250
Total, eight hundred and fifty-one dollars and sixty-seven cents	\$851 67

BUREAU OF HIGHWAYS.

Item 2. (a) Transportation, hotel expenses, meals, communication service and advertising, three thousand dollars	\$3,000
Item 4. (a) Repairs to automobiles, two hundred dollars	200
Item 5. (b) Fees for licenses for automobiles, sixty dollars	60
Item 13. (b) Storage, repairs and care of six automobiles, six hundred and sixty dollars.....	660
Item 14.	
(b) Meadow banks and water courses, ten thousand dollars	10,000
(c) Wages for repaving, repairing and resurfacing and maintenance of all classes of streets and roads not occupied by the Philadelphia Rapid Transit Co., when employed as follows: Foremen, at \$100 per month; roller engineers, at \$100 per month; assistant foremen, at \$3 per day; leader pavers, at \$4.25 per day; pavers, at \$3.75 per day; rammers, at \$3.25 per day; rakers, at \$2.50 per day; joiners, at \$2.50 per day; watchmen, at \$2 per day; laborers, at \$2 per day, thirty thousand dollars	30,000
Item 15.	
(f) Hire of teams for maintenance of all classes of streets and roads not occupied by the Philadelphia Rapid Transit Company, twelve thousand dollars	12,000
(g) Rent of equipment for use in repairing all classes of streets and roads not occupied by the Philadelphia Rapid Transit Company, four thousand dollars	4,000
Item 16.	
(a) Grading, curbing, paving and repaving footways, and resetting curbs in front of City and non-assessable properties, three thousand dollars	3,000

(b) To purchase second-hand Buffalo-Pelts steam road roller from Edwin H. Vare, one thousand five hundred dollars	\$1,500
Item 22. Wages as follows: Foremen, at \$100 per month; bridge constructors, at \$3.60 per day; iron workers, at \$4.50 per day; stone masons, at \$4 per day; painters, at \$3.60 per day; laborers, at \$2.50 per day; and laborers, at \$2 per day, eight thousand dollars	8,000
Item 23.	
(a) Hire of teams for hauling, one thousand five hundred dollars	1,500
(b) Repairs to and painting of bridges, thirty thousand dollars	30,000
Item 23. (c) Rent of equipment, five hundred and twenty dollars	520
Item 24. Wages as follows: Foremen, at \$100 per month; sewer constructors, at \$5 per day; assistant foremen, at \$3 per day; laborers, at \$2.50 per day; and laborers, at \$2 per day, fifteen thousand dollars	15,000
Item 25. Hire of teams for hauling, two thousand dollars	2,000
Item 26. Rent of equipment, five hundred dollars	500
Total, one hundred and twenty-one thousand nine hundred and forty dollars. . .	\$121,940

BUREAU OF SURVEYS.

Item 2. (b) Storage and care of automobiles, two hundred dollars	\$200
Item 9.	
(a) Transportation, one thousand dollars	1,000
(b) Hire, storage and care of horses and vehicles, two thousand dollars	2,000
(d) Postage, four hundred dollars	400

Item 10. Miscellaneous supplies and expenses, one thousand four hundred dollars	1,400
Item 11. Rent of 14 district offices, five hun- dred dollars	500
Item 15. Transportation for examination of sewers, two hundred and fifty dollars	250
Item 16.	
(a) Reconstruction of inlets, one thousand dol- lars	1,000
(b) Repairs to old sewers, nine thousand five hundred dollars	9,500
Total, sixteen thousand two hundred and fifty dollars	\$16,250

BUREAU OF WATER.

Item 5. (a) Ground rent, 918 Cherry street, one dollar and sixty-six cents	\$1 66
Item 9. Carfare for Inspectors, one thousand five hundred dollars	1,500
Item 11. (c) Hauling ashes, six thousand dollars	6,000
Item 15. (b) To make changes in boilers and flues at Shawmont Pumping Station so as to burn rice instead of bituminous coal, one thousand five hundred dollars	1,500
Item 16. Salaries:	
Laborers, at \$2 per day; laborers, at \$2.50 per day; laborers, at \$3 per day, ten thousand dollars	10,000
Item 16. (b) Hire of horses, single and double teams, with drivers, one thousand dollars	1,000
Item 17. (b) Repairs and replacement of boilers, machinery, mains, buildings, sid- ings and reservoirs, twelve thousand dol- lars	12,000

Item 18. (c) Hire of horses, single and double teams, with drivers, five thousand dollars	5,000
Item 20.	
(a) Transportation, five hundred dollars....	500
(b) Electric current, two hundred dollars..	200
Item 25. Drivers, 27 at \$2.25 per day, two thousand dollars	2,000
Item 28.	
(a) Repairs to wagons, carts and harness, one thousand dollars	1,000
(c) Hire of horses, single and double teams, with drivers, three thousand dollars.....	3,000
Total, forty-three thousand seven hundred and one dollars and sixty-six cents	\$43,701 66

BUREAU OF CITY PROPERTY.

Item 7. Miscellaneous, two hundred dollars.	\$200
Item 8. (b) Winding clocks in public buildings, fifty dollars	50
Item 9.	
(a) Removal of ashes and rubbish from City Hall, one thousand nine hundred dollars..	1,900
(b) Removal of ashes and rubbish from Independence Hall, one hundred dollars	100
(d) Cleaning of cesspools, one hundred dollars	100
(e) Advertising, one thousand three hundred dollars	1,300
Item 12.	
(a) Repairs and maintenance, City Hall, two thousand five hundred dollars	2,500
(b) Repairs and maintenance, Independence Hall, five hundred dollars	500

(c) Repairs and other expenses, Town Hall, Germantown, two hundred dollars	200
Item 14. (a) Laborers in squares, at \$2 per day each, and laborers shovelling snow and ice from pavements of State House row, City halls and public squares, three thou- sand dollars	3,000
Item 15.	
(a) Carfare, one hundred dollars	100
(b) Removal of ashes and rubbish, two thou- sand three hundred dollars	2,300
Item 17.	
(d) Manuring and sodding in squares and re- pairs, four thousand dollars	4,000
(f) Patent pavements and repairs, two thou- sand dollars	2,000
Total, eighteen thousand two hundred and fifty dollars	\$18,250
Total for Department, two hundred thousand nine hundred and ninety- three dollars and thirty-three cents.	\$200,993 33

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.

DIRECTOR'S OFFICE.

Item 2.	
(a) Transportation, expressage, etc., two thou- sand dollars	\$2,000
(b) Maintenance of automobiles, one thousand dollars	1,000
Total, three thousand dollars.....	\$3,000

BUREAU OF HEALTH.

Item 2.	
(b) Postage, etc., one thousand dollars	\$1,000
(c) Miscellaneous, two hundred dollars	200
Item 3. Miscellaneous supplies, two hundred dollars	200
Item 12. Abatement of nuisances, ten thousand dollars	10,000
Item 15. (b) Salaries and wages for extra help for pay of cooks, nurses, etc., twenty-five thousand dollars	25,000
Item 16. Horseshoeing, four hundred and fifty dollars	450
Item 18. (b) Repairs and improvements to buildings, roads, etc., five thousand dollars....	5,000
Total, forty-one thousand eight hundred and fifty dollars	\$41,850

BUREAU OF CHARITIES.

Item 2. (b) Special miscellaneous services, five hundred dollars	\$500
Item 10. (b) For repairing shoes, five hundred dollars	500
Item 11.	
(a) Gas for fuel, eight hundred dollars	800
(b) Ice making, five hundred dollars	500
Item 20.	
(b) Attendants' pay roll, seven thousand six hundred and sixty dollars	7,660
(c) Fees for examination of insane cases, eight hundred dollars	800
Total, ten thousand seven hundred and sixty dollars	\$10,760
Total for Department, fifty-five thousand six hundred and ten dollars.....	\$55,610

DEPARTMENT OF WHARVES, DOCKS AND FERRIES.

Item 2. Carfare, transportation, freight, expressage, drayage, postage, communication, advertising, printing, stationery, special and miscellaneous service, and supplies, seven hundred and eighty-five dollars	\$785
Item 11.	
(c) Temporary employees for inspection and survey boats "Inspector" and "Eunomia," one thousand three hundred and fifty dollars.....	1,350
(d) Temporary employees, City dredging plant, six hundred dollars	600
Item 13. Fuel—gasoline—for boat "Eunomia," sixty dollars	60
Total, two thousand seven hundred and ninety-five dollars	\$2,795

DEPARTMENT OF SUPPLIES.

Item 2. Wages for extra clerks, two thousand dollars	\$2,000
Item 3. Stationery, printing, postage, transportation, meals, office supplies and incidentals, including cab and motor vehicle hire, five thousand dollars	5,000
Total, seven thousand dollars	\$7,000

MAYOR.

Item 1. Stationery, printing, etc., two thousand dollars	\$2,000
Item 2. Printing and binding the Mayor's Annual Message and accompanying documents, five thousand two hundred dollars	5,200

Item 6. Stationery, printing, etc. (Museums), two thousand dollars	2,000
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Total, nine thousand two hundred dollars. \$9,200

CIVIL SERVICE COMMISSION.

Item 9. Stationery, printing, office supplies and equipment, two thousand dollars	\$2,000
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LAW.

Item 10. Stationery, printing, binding, office supplies and equipment, two thousand dollars..	\$2,000
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RECEIVER OF TAXES.

Item 11. Stationery, printing, etc., two thou- sand dollars	\$2,000
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ART JURY.

Item 12. Stationery, printing and office supplies and equipment, three thousand dollars	\$3,000
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PUBLIC SAFETY.

Item 1. Stationery, printing, books, paper, trans- portation, office supplies and equipment, four thousand eight hundred and fifty dollars	\$4,850
Item 2. Meats, vegetables, fish and other sea food, two thousand five hundred dollars.....	2,500
Item 3. Tobacco, flour, groceries and other edi- bles, five hundred dollars	500
Item 4. Fuel, four thousand dollars	4,000
Item 5. Horses, cattle and other live stock, twen- ty thousand dollars	20,000
Item 6. Feed and bedding for horses and other live stock, twenty-three thousand five hundred dollars	23,500

Item 7. Harness, stable and veterinary supplies, three thousand dollars	3,000
Item 8. Drugs, surgical instruments and supplies incident thereto, two thousand and fifty dollars	2,050
Item 9. Hose and couplings, eight thousand dollars	8,000
Item 10. Police patrols, police vans, police and fire boats, motor cycles, bicycles, fire apparatus, and parts for repairs and supplies incident thereto, seven thousand five hundred dollars...	7,500
Item 11. Dry goods, notions, clothing, head and foot wear, furniture, bedding and house furnishing goods, three thousand five hundred dollars	3,500
Item 12. Electrical instruments, cable, materials and supplies for equipment, improvement, extension and repairs to fire alarm, police signal and telephone systems, underground and overhead construction, arc and incandescent lighting, poles, elevators and power plants, eleven thousand dollars, ...	11,000
Item 13. Supplies for Fire Marshal and assistants, five hundred dollars	500
Item 14. Lumber, paints, hardware, tools, leather, ice and miscellaneous supplies, fifteen thousand one hundred dollars	15,100
Total, one hundred and six thousand dollars	\$106,000

HEALTH AND CHARITIES.

Item 1. Stationery, thirteen thousand dollars..	\$13,000
Item 4. Flour, groceries and other edibles, ten thousand dollars	10,000
Item 6. Fuel, ten thousand dollars	10,000
Item 7. Dry goods, clothing and notions, nineteen thousand dollars	19,000

Item 8. Drugs, liquors, etc., six thousand dollars	6,000
Item 9. Hardware, tools, materials, etc., twenty thousand dollars	20,000
Item 10. Laboratory supplies and equipment, three thousand five hundred dollars	3,500
Item 11. Eye and dental supplies and equipment, one thousand two hundred dollars.....	1,200
Item 12. Horses, cattle and other live stock, three thousand dollars	3,000
Item 14. Feed and bedding for horses and other live stock, five thousand two hundred dollars...	5,200
Item 15. Disinfecting material and miscellaneous supplies, eight thousand one hundred dollars	8,100
Item 16. Vaccine virus, antitoxin and other by products, one thousand dollars	1,000

Total, one hundred thousand dollars.....\$100,000

PUBLIC WORKS.

Item 1. Stationery, printing, photographic supplies, draughting materials, office supplies and equipment, fifteen thousand nine hundred dollars	\$15,900
Item 2. Fuel, four thousand and fifty dollars..	4,050
Item 3. Iron water pipe and pig lead, fifty thousand dollars	50,000
Item 4. Rubber goods and packings, five thousand five hundred dollars	5,500
Item 5. Lubricating oils and greases, ten thousand seven hundred and sixty dollars	10,760
Item 6. Lumber, sand, cement, bricks, manhole frames and covers, grates and other materials for repairs, seventy thousand dollars	70,000
Item 8. Hardware, cocks, valves, castings, wrought iron pipe and fittings, brass fittings,	

iron and steel, block tin, lead pipe, thirty thousand two hundred and fifty dollars.....	30,250
Item 9. Motor cycles and parts, and accessories incident to maintenance of automobiles, one thousand seven hundred and fifty dollars	1,750
Item 10. Feed and bedding for horses, two thousand dollars	2,000
Item 11. Horses, one thousand dollars	1,000
Item 13. Electrical supplies, one thousand two hundred and fifty dollars	1,250
Item 14. Uniforms, six hundred and eighty dollars	680
Item 15. Trees, flowers, manure, benches and materials for repairs, three thousand six hundred and fifty dollars	3,650
Item 16. Cleaning and toilet room supplies, two thousand dollars	2,000
Item 17. Hypochloride of lime, alum, special articles, laboratory and miscellaneous supplies, seventeen thousand two hundred and fifty dollars	17,250
Total, two hundred and sixteen thousand and forty dollars	\$216,040

WHARVES, DOCKS AND FERRIES.

Item 1. Stationery, printing, books, office supplies and equipment, two thousand five hundred dollars	\$2,500
Item 2. Dry stores and groceries, three thousand six hundred dollars	3,600
Item 3. Meats, vegetables, fish and other sea food, one thousand eight hundred dollars	1,800
Item 4. Fuel, eight thousand dollars	8,000
Total, fifteen thousand nine hundred dollars	\$15,900

Total for Department, four hundred and
 sixty-three thousand one hundred and
 forty dollars\$463,140

DEPARTMENT OF THE MAYOR.

Item 2.

(a) Communication service, hire of vehicles, etc., nine hundred dollars	\$900
(b) Advertising ordinances, two thousand dol- lars	2,000
Item 18. For a municipal exhibit at Leipzig, eight hundred dollars.....	800

Total, three thousand seven hundred dollars \$3,700

CIVIL SERVICE COMMISSION.

Item 3. Cleaning and toilet, uniforms and mis- cellaneous, two hundred dollars..	\$200
Item 5. Furniture, apparatus, library and office fittings, six hundred and fifty dollars	650

Total, eight hundred and fifty dollars..... \$850

CITY COMMISSIONERS.

Item 14. (a) Telephone, seventy-five dollars...	\$75
Item 15. (i) Ice, two hundred dollars	200
Item 22. (d) Storage of registration books, etc., ninety dollars	90
Item 30. (e) Expenses of special election in the Thirteenth Representative District (Six- teenth and Twentieth Wards), five thousand five hundred dollars.....	5,500
Item 34. Equipment of new election booths, one thousand dollars	1,000

Item 35. (b) Pennsylvania Society, etc., and Women's Society, etc., six thousand five hundred dollars	6,500
Item 36. (f) Industrial Schools, etc., two thousand dollars	2,000
Item 37. (b) Support and maintenance of Old Guard, five hundred dollars	500

Total, fifteen thousand eight hundred and sixty-five dollars \$15,865

CLERK OF THE COURTS OF OYER AND TERMNER AND QUARTER SESSIONS.

Item 3.	
(b) Books, etc., four hundred dollars	\$400

CITY CONTROLLER.

Item 2.	
(a) Meals for overtime work, five hundred dollars	\$500
(b) Special and miscellaneous services, etc., two hundred dollars	200
Item 3.	
(a) Stationery and office supplies, eight hundred dollars	800
Item 5. Annual report, etc., seven hundred dollars	700
Item 6. Preparing registers of delinquent taxes, two hundred dollars	200
Item 7. (a) Binding records, three hundred dollars	300
(b) Indexing records, eight hundred dollars	800

Total, three thousand five hundred dollars \$3,500

CORONER.

Item 2.	
(a) Transportation of persons, seven hundred and thirty-five dollars	\$735

Item 3.

(b) Coal for Morgue, fifty dollars	50
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Item 4. Burial expenses, Potter's Field, five hundred dollars	500
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Total, one thousand two hundred and eighty-five dollars	\$1,285
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CLERKS OF COUNCILS.

Item 2.

(b) Binding Journals, etc., eight hundred dollars	\$800
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(h) For advertising in Sunday Dispatch, twenty- six dollars	26
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Item 5.

(a) Celebrating Fourth of July, five thousand dollars	5,000
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(b) Celebrating Memorial Day, two hundred and seventy-four dollars	274
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(c) To entertain delegates and visitors to the National League of Colored Business Men, August, 1913, five thousand dollars	5,000
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Provided, Said sum shall be expended under
the supervision of the Committee on Finance.

Total, eleven thousand one hundred dol- lars	\$11,100
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DEPARTMENT OF LAW.

Item 1.

(b) Witness fees, two thousand five hundred dol- lars	\$2,500
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(d) Expert services, two thousand dollars	2,000
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Item 5. To bring back fugitive husbands to this jurisdiction, one thousand dollars	1,000
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Total, five thousand five hundred dollars	\$5,500
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COMMISSIONERS OF FAIRMOUNT PARK.

Item 5.

(b) Labor, skilled and unskilled, fifty thousand dollars	\$50,000
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Item 7.

(b) Coal, six thousand seven hundred and fifty dollars	6,750
(d) Forage, etc., three thousand two hundred and fifty dollars	3,250

Total, sixty thousand dollars \$60,000

INSPECTORS OF THE COUNTY PRISONS.

REED STREET.

Item 2.

(c) Conveying prisoners, etc., twenty-five dollars	\$25
(d) Hauling ashes, one hundred and fifty dollars	150
(e) Postage, etc., three hundred and fifty dollars	350

Item 4.

(a) Stationery, fifty dollars	50
(c) Coal, one thousand dollars	1,000
(d) Gas, seventy-five dollars	75
(h) Disinfectants, two hundred dollars	200
(i) Clothing and bedding, eight hundred dollars	800
(l) Beef, mutton and pork, two thousand five hundred dollars	2,500
(s) Newspapers, tobacco and toilet paper, one hundred dollars	100

Item 5.

(a) Materials for repairs, etc., seven hundred and fifty dollars	750
(b) Equipment, etc., one thousand two hundred dollars	1,200

HOLMESBURG PRISON.

Item 4.

(b) Drugs, etc., three hundred dollars	300
(d) Mechanics' supplies, etc., one thousand dollars	1,000
(f) Brooms, etc., two hundred dollars	200
(g) Disinfectants, one hundred dollars	100
(h) Clothing and bedding, one thousand dollars	1,000
(k) Beef, mutton and pork, one thousand five hundred dollars	1,500
(s) Newspapers, tobacco, etc., one hundred and fifty dollars	150
Item 6. Materials for repairs, etc., three thousand dollars	3,000

Item 7.

(a) Equipment, etc., one thousand two hundred dollars	1,200
(b) Machinery, etc., five hundred dollars	500

Total, sixteen thousand one hundred and fifty dollars\$16,150

PROTHONOTARY COURTS OF COMMON PLEAS.

Item 3.

(b) Miscellaneous supplies, five hundred dollars	\$500
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Item 4.

(b) Rebinding old dockets, one thousand five hundred dollars	1,500
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Item 5. Furniture and furnishings, one thousand dollars	1,000
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Total, three thousand dollars \$3,000

RECEIVER OF TAXES.

Item 2.

(b) Extra clerks for emergency work, ten thousand dollars	\$10,000
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Item 3.

(a) Transportation, etc., five hundred dollars...	500
(b) Meals for regular employees, etc., one thousand nine hundred dollars	1,900
(c) Postage, five hundred dollars	500
(d) Printing poll tax receipt books, two hundred and fifty dollars	250
(e) Advertising, four hundred and fifty dollars..	450

Item 4. Miscellaneous supplies and incidentals, nine hundred dollars	900
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Item 6.

(a) Telephone, six hundred dollars	600
(b) Lighting, four hundred dollars	400

Item 7.

(a) Fuel, two hundred and sixty dollars	260
(b) Miscellaneous supplies and incidentals, five hundred dollars	500

Item 13.

(a) For refunding to overseers, etc., one thousand one hundred dollars	1,100
(b) For refunding, etc., two hundred dollars....	200

Total, seventeen thousand five hundred and sixty dollars \$17,560

BOARD OF RECREATION.

Item 2.

(a) Hire of vehicles, transportation and communication services, eight hundred and twenty-five dollars	\$825
(c) Printing, one thousand five hundred dollars	1,500

Item 5.

(a) Play material, apparatus, appliances and appurtenances, two thousand five hundred dollars	2,500
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Total, four thousand eight hundred and twenty-five dollars \$4,825

RECORDER OF DEEDS.

Item 1.

(c) Extra clerk hire, one thousand dollars \$1,000

Item 2.

(a) Blank books, stationery, etc., five thousand
dollars 5,000

(b) Miscellaneous, one thousand dollars 1,000

Item 4. Alterations, repairs and equipment,
twenty-one thousand four hundred dollars 21,400

Total, twenty-eight thousand four hun-
dred dollars \$28,400

CITY TREASURER.

Item 3.

(c) Special and miscellaneous, six hundred
dollars \$600

Item 4.

(i) State tax on City loans, nine thousand one
hundred and ninety-four dollars and thirty-
two cents 9,194 32

Total, nine thousand seven hundred
and ninety-four dollars and thirty-
two cents \$9,794 32

I approve this ordinance, with the exception of the Re-
ceiver of Taxes, Item 2 (b), extra clerks for emergency
work, ten thousand (10,000) dollars, which I hereby re-
duce to five thousand (5,000) dollars.

By reason thereof reducing the total appropriation to
the Receiver of Taxes from seventeen thousand five hun-
dred and sixty (17,560) dollars to twelve thousand five
hundred and sixty (12,560) dollars, and reducing the
total amount appropriated in this ordinance from one
million fifty thousand four hundred and twenty-seven

(1,050,427) dollars and sixty-five (65) cents to one million forty-five thousand four hundred and twenty-seven (1,045,427) dollars and sixty-five (65) cents.

Approved the fifteenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Wharves, Docks and Ferries, Public Health and Charities, Civil Service Commission, City Commissioners, City Controller, Clerk of the Court of Quarter Sessions, District Attorney, Inspectors of the County Prisons, Prothonotary, Receiver of Taxes, Register of Wills, Board of Revision of Taxes, Sheriff and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of forty-five thousand seven hundred and eighty-two (45,782) dollars and fifty-one (51) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Wharves, Docks and Ferries, Public Health and Charities, Civil Service Commission, City Commissioners, City Controller, Clerk of the Court of Quarter Sessions, District Attorney, Inspectors of the County Prisons, Prothonotary, Receiver of Taxes, Register of Wills, Board of Revision of Taxes, Sheriff and City Treasurer, for the year 1913, viz.: Department of Public Safety (Bureau of Police): To Item 1, so that the salary of the assistant clerk to the Superintendent shall be at the rate of one thousand eight hundred (1,800) dollars per annum in lieu of one thousand five hundred (1,500) dollars per annum from July 1st, one hundred and fifty (150) dollars; to Item 3, so that the salary of the clerk of the Central Station shall be at the rate of two

thousand (2,000) dollars per annum in lieu of one thousand seven hundred (1,700) dollars from July 1st; and so that the salaries of the hostlers shall be at the rate of nine hundred (900) dollars per annum in lieu of seven hundred and twenty (720) dollars per annum from July 1st, three thousand four hundred and eighty (3,480) dollars. Electrical Bureau: To Item 14 (a), to allow one operator to be detailed as supervisor at one thousand two hundred and sixty (1,260) dollars per annum in lieu of one thousand two hundred (1,200) dollars from July 1st, thirty (30) dollars; to Item 17 (a), to allow an inspector to be detailed as superintendent of underground structures at one thousand five hundred (1,500) dollars per annum in lieu of one thousand three hundred (1,300) dollars from July 1st; to increase the salary of one plumber from one thousand two hundred (1,200) dollars to one thousand four hundred (1,400) dollars per annum from July 1st; to provide for three additional inspectors, at one thousand three hundred (1,300) dollars each, from July 1st; total, two thousand one hundred and eighty (2,180) dollars. Department of Public Works (Bureau of Surveys): To Item 1 (a), to provide for a chauffeur from February 1st, at one thousand (1,000) dollars per annum, nine hundred and sixteen (916) dollars and sixty-seven (67) cents; to Item 8, to provide for three assistants, at one thousand two hundred (1,200) dollars each per annum; two second assistants, at nine hundred and sixty (960) dollars each per annum; four draughtsmen, at one thousand (1,000) dollars each per annum; four transitmen, at eight hundred and forty (840) dollars each per annum; three rodmen, at seven hundred and sixty (760) dollars each per annum; one chairman, at four hundred and eighty (480) dollars per annum; two stenographers or clerks, at eight hundred and forty (840) dollars each per annum, all to date from July 1st; total, eight thousand six hundred and sixty (8,660) dollars. Bureau of City Property: To Item 5, so as to provide for one stenographer or clerk, at one thousand (1,000) dollars per annum, and one at seven hundred and fifty (750) dollars per annum, and to increase the salary of one clerk from one thousand to one thousand four hundred (1,400)

dollars per annum, all to date from July 1st; total, one thousand and seventy-five (1,075) dollars. Department of Wharves, Docks and Ferries: To Item 5, so as to provide for one machinist, at nine hundred (900) dollars per annum, and one laborer, at seven hundred and fifty (750) dollars per annum, from July 1st, eight hundred and twenty-five (825) dollars. Department of Public Health and Charities (Bureau of Health): To Item 15 (a), so as to increase the salary of the first assistant resident physician from nine hundred (900) dollars to one thousand two hundred (1,200) dollars per annum; to provide for an additional first assistant resident physician, at one thousand two hundred (1,200) dollars per annum; dietician, at seven hundred and twenty (720) dollars per annum; two clerks, at seven hundred and twenty (720) dollars each per annum; so as to permit of an increase of three head nurses from six hundred (600) dollars to nine hundred (900) dollars each per annum, and two night head nurses from five hundred (500) dollars to seven hundred and eighty (780) dollars each per annum, all from July 1st; total, two thousand five hundred and sixty (2,560) dollars. Bureau of Charities: To Item 1, so as to provide for a visitor, at seven hundred and fifty (750) dollars per annum, from July 1st, three hundred and seventy-five (375) dollars; to Item 27, so as to increase the salaries of the fifty outdoor physicians from three hundred and sixty (360) dollars each per annum to five hundred and forty (540) dollars each per annum from July 1st, four thousand five hundred (4,500) dollars. Civil Service Commission: To Item 1 (a), to provide for the following new positions from July 1st: First assistant examiner, at two thousand two hundred (2,200) dollars per annum; examiner in charge of labor, one thousand eight hundred (1,800) dollars per annum; three clerks or stenographers, one thousand two hundred (1,200) dollars each per annum; five clerks or stenographers, one thousand (1,000) dollars each per annum; clerk or stenographer, nine hundred (900) dollars per annum, all from July 1st; total, six thousand seven hundred and fifty (6,750) dollars. City Commissioners: To Item 1, so that the salary of the superintendent of

elections shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand (2,000) dollars from July 1st; so that the salary of the warrant clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum in lieu of one thousand two hundred (1,200) dollars from July 1st; total, four hundred (400) dollars; to Item 5, to provide for an additional stenographer for Court of Common Pleas No. 3, at two thousand five hundred (2,500) dollars per annum, from March 1st, two thousand and eighty-three (2,083) dollars and thirty-four (34) cents; to Item 14, so that the salary of the janitor shall be at the rate of seven hundred and twenty (720) dollars per annum in lieu of six hundred (600) dollars per annum from July 1st, sixty (60) dollars. City Controller: To Item 4, so that the salary of the chief accountant shall be at the rate of three thousand five hundred (3,500) dollars per annum instead of two thousand five hundred (2,500) dollars per annum from July 1st, five hundred (500) dollars. Clerk of the Court of Quarter Sessions: To Item 1 (a), so as to provide for an additional court clerk, at three thousand (3,000) dollars per annum, and assistant court clerk, at one thousand six hundred (1,600) dollars per annum, from April 1st, three thousand four hundred and fifty (3,450) dollars. District Attorney: To Item 1 (a), so that the detective detailed as acting chief clerk shall receive two thousand two hundred (2,200) dollars per annum in lieu of one thousand seven hundred (1,700) dollars per annum from April 1st, three hundred and seventy-five (375) dollars. Inspectors of the County Prisons (Reed Street Prison): To Item 1 (a), so that the salary of the superintendent shall be at the rate of five thousand (5,000) dollars per annum in lieu of three thousand five hundred (3,500) dollars per annum from July 1st, and the clerk at two thousand, one hundred (2,100) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per annum from July 1st, nine hundred (900) dollars. Holmesburg Prison): To Item 1 (a), so that the salary of the assistant superintendent shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per an-

num from July 1st, three hundred and fifty (350) dollars. Prothonotary: To Item 1 (a), so that the salary of the deputy prothonotary shall be at the rate of four thousand (4,000) dollars per annum in lieu of three thousand five hundred (3,500) dollars per annum from July 1st, two hundred and fifty (250) dollars. Receiver of Taxes: To Item 12 (a), so that the salary of the chief clerk shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand (2,000) dollars per annum from April 1st, three hundred and seventy-five (375) dollars; to Item 14, so as to provide for four assistant search clerks, at one thousand two hundred (1,200) dollars each per annum, from July 1st, two thousand four hundred (2,400) dollars. Register of Wills: To Item 1 (a), so that the salary of the messenger and custodian of records of the Orphans' Court shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum from April 1st, one hundred and fifty (150) dollars. Board of Revision of Taxes: To Item 1 (a), so that the salary of the certificate clerk shall be at the rate of one thousand eight hundred (1,800) dollars per annum in lieu of one thousand five hundred (1,500) dollars per annum from July 1st, one hundred and fifty (150) dollars. Sheriff: To Item 1 (a), so as to provide for an additional deputy sheriff, at one thousand five hundred (1,500) dollars per annum; a clerk, at one thousand one hundred (1,100) dollars per annum, and three writ servers, at nine hundred (900) dollars each per annum, from July 1st, two thousand six hundred and fifty (2,650) dollars. City Treasurer: To Item 1 (a), so that the salary of the receiving teller shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand two hundred and fifty (2,250) dollars per annum from April 1st, one hundred and eighty-seven (187) dollars and fifty (50) cents.

I hereby approve this ordinance, excepting the following items: Department of Public Safety (Bureau of Police): To Item 1, so that the salary of the assistant

clerk to the superintendent shall be at the rate of one thousand eight hundred (1,800) dollars per annum in lieu of one thousand five hundred (1,500) dollars per annum from July 1, one hundred and fifty (150) dollars; to Item 3, so that the salary of the clerk of the Central Station shall be at the rate of two thousand (2,000) dollars per annum in lieu of one thousand seven hundred (1,700) dollars from July 1st; and so that the salaries of the hostlers shall be at the rate of nine hundred (900) dollars per annum in lieu of seven hundred and twenty (720) dollars per annum from July 1st, three thousand four hundred and eighty (3,480) dollars. Electrical Bureau: To Item 17 (a), to provide for three additional inspectors, at one thousand three hundred (1,300) dollars each from July 1st, one thousand nine hundred and fifty (1,950) dollars.

Department of Public Works (Bureau of Surveys): To Item 1 (a), to provide for a chauffeur from February 1st, at one thousand (1,000) dollars per annum, nine hundred and sixteen (916) dollars and sixty-seven (67) cents. Bureau of City Property: To Item 5, so as to provide for one stenographer, or clerk, at seven hundred and fifty (750) dollars per annum, and to increase the salary of one clerk from one thousand (1,000) dollars to one thousand four hundred (1,400) dollars per annum, all to date from July 1st, five hundred and seventy-five (575) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 27, so as to increase the salaries of the fifty outdoor physicians from three hundred and sixty (360) dollars each per annum to five hundred and forty (540) dollars each per annum, from July 1st, four thousand five hundred (4,500) dollars.

City Commissioners: To Item 1, so that the salary of the superintendent of elections shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand (2,000) dollars, from July 1st; so that the salary of the warrant clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum in lieu of one thousand two hundred (1,200) dollars, from July 1st; total, four hundred (400) dollars.

District Attorney: To Item 1 (a), so that the detective detailed as acting chief clerk shall receive two thousand two hundred (2,200) dollars per annum in lieu of one thousand seven hundred (1,700) dollars per annum, from April 1st, three hundred and seventy-five (375) dollars.

Inspectors of the County Prisons: (Reed Street Prison): To Item 1 (a), so that the salary of the superintendent shall be at the rate of five thousand (5,000) dollars per annum in lieu of three thousand five hundred (3,500) dollars per annum from July 1st, and the clerk at two thousand one hundred (2,100) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per annum, from July 1st, nine hundred (900) dollars. (Holmesburg Prison): To Item 1 (a), so that the salary of the assistant superintendent shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per annum, from July 1st, three hundred and fifty (350) dollars.

Receiver of Taxes: To Item 12 (a), so that the salary of the chief clerk shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand (2,000) dollars per annum, from April 1st, three hundred and seventy-five (375) dollars; to Item 14, so as to provide for four assistant search clerks at one thousand two hundred (1,200) dollars each per annum, from July 1st, two thousand four hundred (2,400) dollars.

Register of Wills: To Item 1 (a), so that the salary of the messenger and custodian of records of the Orphans' Court shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum, from April 1st, one hundred and fifty (150) dollars.

Board of Revision of Taxes: To Item 1 (a), so that the salary of the certificate clerk shall be at the rate of one thousand eight hundred (1,800) dollars per annum in lieu of one thousand five hundred (1,500) dollars per annum, from July 1st, one hundred and fifty (150) dollars.

Sheriff: To Item 1 (a), so as to provide for an additional deputy sheriff at one thousand five hundred (1,500) dollars per annum, a clerk at one thousand one hundred (1,100) dollars per annum, and three writers at nine hundred (900) dollars each per annum, from July 1st, two thousand six hundred and fifty (2,650) dollars.

City Treasurer: To Item 1 (a), so that the salary of the receiving teller shall be at the rate of two thousand five hundred (2,500) dollars per annum in lieu of two thousand two hundred and fifty (2,250) dollars per annum, from April 1st, one hundred and eighty-seven (187) dollars and fifty (50) cents.

By reason thereof reducing the amount of the appropriation to the Department of Public Safety (Bureau of Police) by the sum of three thousand six hundred and thirty (3,630) dollars, or the total appropriation to the Bureau of Police. (Electrical Bureau) reduced from two thousand one hundred and eighty (2,180) dollars to two hundred and thirty (230) dollars.

Also, Department of Public Works (Bureau of Surveys) from eight thousand six hundred and sixty (8,660) dollars to seven thousand seven hundred and forty-three (7,743) dollars and thirty-three (33) cents. (Bureau of City Property) reduced from one thousand and seventy-five (1,075) dollars to five hundred (500) dollars.

Also, Department of Health and Charities (Bureau of Charities) from four thousand eight hundred and seventy-five (4,875) dollars to three hundred and seventy-five (375) dollars.

City Commissioners, four hundred (400) dollars, from Item 1.

District Attorney, three hundred and seventy-five (375) dollars, from Item 1 (a).

Inspectors of County Prisons (Reed Street Prison), nine hundred (900) dollars, from Item 1 (a). (Holmesburg Prison), three hundred and fifty (350) dollars, from Item 1 (a).

Receiver of Taxes, two thousand seven hundred and

seventy-five (2,775) dollars, or the total amount appropriated.

Register of Wills, one hundred and fifty (150) dollars, or the total amount appropriated.

Board of Revision of Taxes, one hundred and fifty (150) dollars, or the total amount appropriated.

Sheriff, two thousand six hundred and fifty (2,650) dollars, or the total amount appropriated.

City Treasurer, one hundred and eighty-seven (187) dollars and fifty (50) cents, or the total amount appropriated.

And reducing the total amount appropriated in this ordinance from forty-five thousand seven hundred and eighty-two (45,782) dollars and fifty-one (51) cents to twenty-six thousand two hundred and seventy-three (26,273) dollars and thirty-four (34) cents.

Approved the sixteenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, City Commissioners, Civil Service Commission, District Attorney, Prothonotary, Recorder of Deeds and Board of Recreation, to pay bills incurred prior to January 1, 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and thirty-seven thousand four hundred and seventy-three (137,473) dollars and twelve (12) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, City Commissioners, Civil Service Commission, District Attorney, Pro-

thonotary, Recorder of Deeds and Board of Recreation, to pay bills incurred prior to January 1, 1913, viz.:

Department of Public Safety (Director's Office): To Item 2½, to pay bills as follows: Joseph N. Snellenburg, for framing, seven (7) dollars; Gans Brothers, for stationery, thirty (30) dollars and ninety (90) cents; Harry Williams & Son, for auto repairs, one hundred and thirty-three (133) dollars and fifteen (15) cents; Deemer & Jaisohn, for stationery, twenty (20) dollars and sixty-five (65) cents; A. Pomerantz & Co., for stationery, ten (10) cents; Theodore H. McCalla, for auto license, two (2) dollars and fifty (50) cents; William W. Hodgson, for gasoline, five (5) dollars and twenty-five (25) cents; North Philadelphia Auto Station, for auto accessories, five hundred and six (506) dollars and sixty (60) cents; Keim Supply Co., for auto accessories, nine hundred and ninety-six (996) dollars and eighty-two (82) cents; Postal-Telegraph Cable Co., for transmitting messages, one (1) dollar and twenty-five (25) cents; Atlantic Refining Co., for gasoline, ninety-three (93) dollars; Philadelphia Sonntag Journal, for advertising, thirteen (13) dollars and fifty (50) cents; Public Ledger, for advertising, sixty-two (62) dollars and forty (40) cents; German Daily Gazette, for advertising, sixty-two (62) dollars; Evening Telegraph, for advertising, eighty-five (85) dollars; Philadelphia Inquirer, for advertising, ninety-six (96) dollars and fifty (50) cents; Kelley & Joseph Employment Agency, for refund on license, forty-four (44) dollars; Underwood Typewriter Co., for two (2) typewriters, two hundred and thirty-six (236) dollars and twenty-five (25) cents; Bell Telephone Co., for 'phone service, twelve (12) dollars and five (5) cents; Postal-Telegraph Cable Co., for transmitting messages, one (1) dollar and sixty-eight (68) cents; Auto Equipment Co., for auto materials, five (5) dollars and thirty-nine (39) cents; Monarch Garage, for auto storage, four (4) dollars and fifty (50) cents; O. K. Addressing Co., for stenographic and typewriting service and machine rental, one hundred and eight (108) dollars and fifty (50) cents; Philadelphia Inquirer, for advertising, two hundred (200) dollars;

total, two thousand seven hundred and twenty-eight (2,728) dollars and ninety-nine (99) cents. Bureau of Police: To Item 2 $\frac{1}{2}$, to pay bills as follows: Meals to prisoners (1911): A. W. Hornbeck, one hundred and twenty-five (125) dollars; Mrs. Gross, meals, fifteen (15) dollars and fifty (50) cents; Mrs. M. Kelly, meals, four (4) dollars and twenty-five (25) cents; Patrick Duffy, meals, one (1) dollar; D. Maloney, meals, two (2) dollars; A. Schneeweis, meals, one (1) dollar and fifty (50) cents; Mrs. J. B. Summy, meals, four (4) dollars and seventy-five (75) cents; J. Rosenacker, meals, six (6) dollars and twenty-five (25) cents; Mrs. Kate Paul, meals, one (1) dollar; Mrs. J. Bertsch, meals, two (2) dollars and fifty (50) cents; Mrs. T. Heddleson, meats, two (2) dollars; Ellwood Brown, meals, thirty-five (35) dollars and eighty-three (83) cents; Mrs. Vansant, meals, five (5) dollars and fifty (50) cents; Jos. Peterkins, meals, one (1) dollar and seventy-five (75) cents; Charles Koch, meals, one (1) dollar and fifty (50) cents; Harry Daniels, meals, two (2) dollars; Mrs. Kate Brown, meals, twenty-eight (28) dollars and seventy-five (75) cents, and warrant to be drawn to order of Walter Gilbert to pay these bills for meals, J. K. Schnell and Mrs. L. Copple, seventy-five (75) cents each, and Mrs. A. Hendry and H. Meyers, fifty (50) cents each; Wm. W. Hodgson, oils, gasoline, etc., forty-six (46) dollars and fifty (50) cents; J. C. Clemens, repairs to harness, thirty-four (34) dollars and fifteen (15) cents; R. B. Twining (at Cedar Park Farm), pasturing horses, one hundred (100) dollars; J. D. Conner, repairs to harness, ten (10) dollars and twenty (20) cents; Jos. McKinley, horseshoeing, five (5) dollars; Keim Supply Co., auto accessories, harness, etc., one thousand one hundred and thirty-nine (1,139) dollars and six (6) cents; Chas. K. Smith & Co., oils, eight (8) dollars and ninety-three (93) cents; Charles Beck Co., paper, sixteen (16) dollars and twenty (20) cents; Remington Typewriter Co., adjusting typewriter, one (1) dollar and sixty (60) cents; Dunlap Printing Co., daily reports, twelve (12) dollars; Burroughs Adding Machine Co., repairs to machine, one (1) dollar; Lindsay Bros., paper, twenty-eight (28) dollars and eighty (80) cents; N. Snellenburg

Co., carpet and repairs, one hundred and twenty-nine (129) dollars and sixty-seven (67) cents; Dr. C. S. Potts, medical attendance, three (3) dollars; A. & J. Contole Bros., newspapers, fifteen (15) dollars and sixty-three (63) cents; The Bingham Co., books, photo albums, printing and stationery, four hundred and seventy (470) dollars and eighty-one (81) cents; The Bell Telephone Co., telephone service, one hundred and eighty-five (185) dollars and twenty-five (25) cents; Postal Telegraph Co., telegraph service, sixty-one (61) dollars and ninety-eight (98) cents; Philadelphia Local Telegraph Co., telegraph service, four (4) dollars and sixty-seven (67) cents; Western Union Telegraph Co., telegraph service, seven hundred and twenty-five (725) dollars and four (4) cents; American Telegraph and Telephone Co., telegraph service, fifty-two (52) dollars and five (5) cents; Keystone Telephone Co., telephone service, twenty-two (22) dollars and ninety-five (95) cents; Goodyear Rubber and Tire Co., repairs to tires, twenty-one (21) dollars; American La France Engine Co., pump (Tug King), five hundred (500) dollars; John Baizley Iron Works, repairs to King, thirty-five (35) dollars and fifteen (15) cents; Patrolman Christian Mattie, Twenty-fifth District, salary 13 days November, thirty-two (32) dollars and fifty (50) cents; Patrolman Christian Mattie, Twenty-fifth District, salary 31 days, December, seventy-seven (77) dollars and fifty (50) cents; William Crowther, hostler, Thirteenth District, salary 17 days, December, thirty-two (32) dollars and ninety-one (91) cents; Patrolman Edmund K. Spalding, Fifteenth District, salary, November 13th to 22d inclusive, at three (3) dollars per day, thirty (30) dollars; Deemer & Jaisohn, stationery, four (4) dollars and twenty-five (25) cents; Underwood Typewriter Co., typewriters, three hundred and sixty-nine (369) dollars; Max Zeibler, engraving, etc., twenty-four (24) dollars and seventy-five (75) cents; bills for medical attendance, as follows: Dr. J. C. Murfin, thirty-six (36) dollars; Dr. M. L. Levitt, one hundred and twenty (120) dollars; Dr. N. H. Hornstine, fifty-six (56) dollars; Dr. W. C. Ryan, one hundred and nineteen (119) dollars; Dr. Gurney Williams (1911), seventy-one (71) dollars; Dr. Gurney Williams,

one hundred and forty-three (143) dollars; Dr. J. H. Egan, two hundred and fifty-five (255) dollars; Dr. Wm. MacIntosh, thirty-four (34) dollars; Dr. Thos. O'Brien, two hundred and twenty-two (222) dollars; Dr. John Wanamaker, 3d (1911), ninety-five (95) dollars; Dr. John Wanamaker, 3d, two hundred and forty-eight (248) dollars; Dr. H. W. Weyant, one hundred and six (106) dollars; Dr. Robt. McCreight, seventy-five (75) dollars; Dr. Saml. Ottinger, sixty-five (65) dollars; Dr. D. D. Custer, nine (9) dollars; Dr. C. A. Curry, five (5) dollars; Dr. G. C. Hanna, twenty-five (25) dollars; Dr. T. G. Ellinger, ten (10) dollars; Dr. A. F. Allman, seven (7) dollars; Dr. R. B. Judge, forty-one (41) dollars; Dr. R. F. Taylor, one hundred and twenty-seven (127) dollars; Dr. Carl Weiland, three (3) dollars; Dr. H. A. Newbold, twenty-seven (27) dollars; Dr. J. A. Boger, eight (8) dollars; Dr. C. E. Bricker, thirty-one (31) dollars; Dr. Wm. H. Ziegler, fifty (50) dollars; Dr. B. L. Gordon, thirty-nine (39) dollars; Dr. G. Sinnamon, thirteen (13) dollars; Dr. W. T. Ellis, fifty-four (54) dollars; Dr. F. B. Hancock, fifty (50) dollars; Dr. S. P. Manship, forty-three (43) dollars; Dr. W. W. Weaver, twenty-six (26) dollars; Dr. N. H. Freund, nine (9) dollars; Dr. W. F. Morrison, one hundred and twenty-seven (127) dollars; Dr. W. H. Good, twelve (12) dollars; Dr. M. F. Herrman (1911), twenty (20) dollars; Dr. M. F. Herrman, twenty-five (25) dollars; Dr. J. A. Rainville, seventy-two (72) dollars; Dr. M. Kratz, six (6) dollars; Dr. L. L. Luburg, seventy-six (76) dollars; to pay bills already incurred in the matter of the detection, arrest and conviction of offenders, etc., including car fare, of officers; one warrant to be drawn to order of Walter Gilbert, Chief Clerk, Bureau of Police, who shall file proper vouchers; Edward J. Agnew, thirty-seven (37) dollars and eight (8) cents; Oliver P. Applegate, four (4) dollars; Hugh Ayres, thirteen (13) dollars and forty (40) cents; Oscar Brown, twenty-one (21) dollars and fifteen (15) cents; William J. Belshaw, twenty-two (22) dollars and forty (40) cents; William F. Barry, one (1) dollar and twenty (20) cents; Andrew Bender, ten (10) dollars and fifty-three (53) cents; Patrick J. Brown,

fourteen (14) dollars and twenty-four (24) cents; William J. Boyd, three (3) dollars and ninety-five (95) cents; Theodore M. Boyer, fourteen (14) dollars and five (5) cents; Howard H. Brinton, five (5) dollars and twenty (20) cents; Chas. B. Baker, eleven (11) dollars and thirty (30) cents; George J. Benz, twenty (20) dollars and eighty-five (85) cents; Walter Branwell, eighteen (18) dollars and nineteen (19) cents; John E. Barrett, nine (9) dollars and ninety-seven (97) cents; William Baumgartner, thirty-two (32) dollars and fifteen (15) cents; Joseph Burns, twenty-two (22) dollars and fifteen (15) cents; Benjamin Brown, forty-seven (47) dollars and twenty (20) cents; John Beiger, nineteen (19) dollars and twenty (20) cents; Harry O. Bear, nineteen (19) dollars and fifty (50) cents; Jacob L. Buchanan, four (4) dollars and fifty (50) cents; Lieut. Hugh Blancy, two (2) dollars; Townsend Bugey, four (4) dollars and twenty (20) cents; Jacob Blattau, four (4) dollars and thirty-five (35) cents; John P. Boland, fifteen (15) dollars and fifty (50) cents; Edgar Clear, twenty-one (21) dollars and fifty (50) cents; Curtis C. Crolius, three (3) dollars; John L. Corry, forty-three (43) dollars and seventy-two (72) cents; John N. Carr, twenty-one (21) dollars and eighty (80) cents; John J. Creedon, sixteen (16) dollars and twenty-eight (28) cents; Daniel Connor, nine (9) dollars and sixty-seven (67) cents; John Clifton, twenty (20) dollars and sixty-five (65) cents; Thomas J. Connelly, eighteen (18) dollars and eighty-five (85) cents; Harry Cave, thirty-four (34) dollars and sixty-six (66) cents; John C. Curran, thirteen (13) dollars and ninety-three (93) cents; John Clement, one (1) dollar and thirty (30) cents; John Casey, eight (8) dollars and ten (10) cents; George Croak, seventeen (17) dollars and forty (40) cents; Captain Cameron, eight (8) dollars; William A. Callahan, seven (7) dollars and forty-five (45) cents; John E. Crook, sixteen (16) dollars and forty-eight (48) cents; Walter Cook, one (1) dollar and seven (7) cents; Daniel Dornach, fifteen (15) dollars and seventy-five (75) cents; Andrew Daut, twenty-five (25) dollars and thirty (30) cents; Robert B. Dunbar, nineteen (19) dollars and twenty-six

(26) cents; John T. Duffy, two (2) dollars; Harry M. DuBoyce, six (6) dollars and ninety (90) cents; Joseph Douglass, six (6) dollars and thirty-five (35) cents; Thomas Dillon, twenty-two (22) dollars and sixty (60) cents; Lieut. Harry C. Davis, twenty-three (23) dollars and ninety (90) cents; Thomas J. Donaghy, one (1) dollar and twenty (20) cents; Joseph E. Dervin, three (3) dollars and thirty-one (31) cents; Alonzo Dodson, eight (8) dollars and ten (10) cents; Richard Doyle, two (2) dollars; Chas. Euburger, two (2) dollars and twenty (20) cents; Thos. Earnest, two (2) dollars and fifty (50) cents; John T. Ehresmann, four (4) dollars and seventy-three (73) cents; Harry S. Eastlack, twenty-two (22) dollars and fifty (50) cents; Thos. Ennett, fourteen (14) dollars and eighty-three (83) cents; Wm. A. Esher, thirty-one (31) dollars and forty (40) cents; John M. Eppright, six (6) dollars and sixty-five (65) cents; James B. Ebbeck, sixteen (16) dollars and eighty-five (85) cents; Saml. Ellis, one (1) dollar and fifteen (15) cents; Oden F. Eiselman, nine (9) dollars and eighty-five (85) cents; John Ewing, two (2) dollars and thirty (30) cents; Wm. Fisher, five (5) dollars and sixty (60) cents; Saml. Ford, eight (8) dollars and fifteen (15) cents; Edw. Farmer, twelve (12) dollars and forty (40) cents; Alexander Ferris, thirty (30) dollars and forty-one (41) cents; Horace Fesmire, twenty-two (22) dollars and forty-nine (49) cents; Harry L. Franklin, nineteen (19) dollars and twenty (20) cents; Thos. K. Foster, twenty-one (21) dollars and thirty (30) cents; Ralph W. Fisher, thirty (30) dollars and seven (7) cents; Peter P. Finn, twenty-six (26) dollars and one (1) cent; Wm. Fagan, eighteen (18) dollars and twenty-four (24) cents; Edw. Farrell, fourteen (14) dollars and twenty (20) cents; Frank V. Flinn, two (2) dollars and ten (10) cents; Andrew J. Fogel, six (6) dollars and eight (8) cents; Wm. Farley, five (5) dollars; Chas. Glendenning, five (5) dollars and eighty (80) cents; Robert Gordon, eighty (80) cents; Ralph Gold, twenty-eight (28) dollars and seventy (70) cents; Chas. Grimm, fourteen (14) dollars and ten (10) cents; Geo. H. Gibson, twenty-one (21) dollars and eighty-five (85) cents; E. H.

Gulliford, sixteen (16) dollars and forty-five (45) cents; Wm. Goldberg, nine (9) dollars and five (5) cents; Arthur Goldberg, eleven (11) dollars and sixty-two (62) cents; Louis Green, thirty-two (32) cents; Chas. H. Glenn, eight (8) dollars and seventy (70) cents; Albert H. Graber, Jr., twelve (12) dollars and forty-five (45) cents; Wm. Green, nineteen (19) dollars and thirty-five (35) cents; Wm. F. Gleason, twenty-four (24) dollars and thirty (30) cents; Aaron M. Gottlieb, seventy-five (75) dollars and twenty-five (25) cents; Harry Garton, four (4) dollars and forty-two (42) cents; James Greenwald, twelve (12) dollars and forty-three (43) cents; John T. Holton, fourteen (14) dollars and forty (40) cents; Andrew Hicks, six (6) dollars; James J. Hearn, twelve (12) dollars and seventy (70) cents; Clayton Hill, thirteen (13) dollars and thirteen (13) cents; Samuel L. Huhn, twenty-one (21) dollars and five (5) cents; John J. Haug, eighteen (18) dollars; Jadson Hudson, four (4) dollars and eighty (80) cents; Hayward Hogan, nineteen (19) dollars and sixty (60) cents; Joel Hart, two (2) dollars and eighty (80) cents; William J. Hardimon, five (5) dollars and fifty-eight (58) cents; Charles H. Hannum, thirteen (13) dollars and fifteen (15) cents; Chas. Hendrickson, fourteen (14) dollars and sixty (60) cents; Nicholas Hatfield, five (5) dollars and ninety (90) cents; Daniel Hart, seven (7) dollars and sixty-five (65) cents; Edgar W. Harris, four (4) dollars and twenty (20) cents; Charles Holland, three (3) dollars and fifty (50) cents; William Holsworth, four (4) dollars and twenty-eight (28) cents; William Isaacs, twenty-five (25) dollars and fifty-five (55) cents; William Johnson, twenty-one (21) dollars and sixty-five (65) cents; Charles Jackson, twenty-one (21) dollars and sixty (60) cents; A. M. Johnson, six (6) dollars and seventy-seven (77) cents; James Jerdon, fourteen (14) dollars and eighty-five (85) cents; William T. Jacoby, two (2) dollars and forty-five (45) cents; Charles E. Kunkle, seventeen (17) dollars and thirty (30) cents; Martin Kelly, twenty-two (22) dollars and eighty-five (85) cents; William C. Knoell, six (6) dollars and forty-five (45) cents; John K. Keith, thirteen (13) dollars and forty (40) cents; Andrew J.

Knox, twenty (20) dollars and seventy-five (75) cents; Herbert P. Krontz, forty-two (42) dollars and seventeen (17) cents; James D. Keys, twenty-three (23) dollars and forty-six (46) cents; John R. Kent, twenty (20) dollars and thirty-five (35) cents; Thomas Kennedy, twenty-eight (28) dollars and seventy-five (75) cents; Michael D. Keohane, two (2) dollars and fifty-nine (59) cents; Charles Kleintz, two (2) dollars and ten (10) cents; James L. Lazelle, seventeen (17) dollars and thirty (30) cents; Charles F. Lee, thirty-two (32) dollars and forty-six (46) cents; Joseph Le Strange, twenty-three (23) dollars and thirty-five (35) cents; Samuel Liddy, two (2) dollars and forty (40) cents; John W. Lynch, eighteen (18) dollars and twenty (20) cents; John H. Lynch, five (5) dollars and fifty (50) cents; Howard Lawson, one (1) dollar and thirty-three (33) cents; John W. Lenters, twenty-eight (28) dollars and seventy (70) cents; Lieut. Samuel Little, two hundred and ninety-nine (299) dollars and thirteen (13) cents; Harry Layre, three (3) dollars and four (4) cents; Frank W. Lawrence, twenty-two (22) dollars and ninety (90) cents; Edward J. Lynch, eleven (11) dollars and ten (10) cents; Thomas F. Leo, three (3) dollars and ten (10) cents; Arthur H. Mulholland, thirteen (13) dollars and seventy-six (76) cents; Samuel McFarland, eighteen (18) dollars and fifty (50) cents; Joseph McGinn, two (2) dollars and twenty (20) cents; John Mahony, twenty-two (22) dollars and forty (40) cents; Michael J. McCarthy, eighteen (18) dollars and forty-five (45) cents; John McAntee, eight (8) dollars and ten (10) cents; William Menniman, twelve (12) dollars and ninety-six (96) cents; Thomas A. McDowell, thirteen (13) dollars and sixty (60) cents; William Myers, thirteen (13) dollars and sixty (60) cents; William C. McKay, five (5) dollars and sixty-six (66) cents; Thos. MacFarland, forty (40) dollars and fifteen (15) cents; Samuel C. Mason, twenty (20) dollars and fifty-five (55) cents; Joseph McGlone, twenty-three (23) dollars and five (5) cents; Thomas McDougall, twenty-three (23) dollars and seventy (70) cents; David T. Morrissey, fifteen (15) dollars and twenty (20) cents; Thomas J. McCullough, twenty-three (23) dollars and

forty-eight (48) cents; Charles McGinty, twenty-one (21) dollars and twenty-five (25) cents; James Maueely, twenty-one (21) dollars and thirty (30) cents; James Mulgrew, twenty-six (26) dollars; John Moriarty, eighteen (18) dollars and fifteen (15) cents; James H. Magee, seven (7) dollars and thirty-five (35) cents; Edward M. McGinley, five (5) dollars and ninety (90) cents; Edward W. McGinley, four (4) dollars; James T. Maguire, sixteen (16) dollars and eight (8) cents; Charles A. McLaughlin, fifteen (15) dollars and sixty-three (63) cents; William H. Mahony, twelve (12) dollars and seventy-eight (78) cents; Edward McKenzie, four (4) dollars and forty-two (42) cents; Joseph V. Mellon, fifteen (15) dollars and one (1) cent; Lieut. Burton McBride, two (2) dollars and forty-five (45) cents; Harry Macready, five (5) dollars and forty (40) cents; John McGlade, two (2) dollars and ninety-five (95) cents; Dennis McColgan, three (3) dollars and twenty-five (25) cents; James D. Meagher, eighty (80) cents; John E. Nolan, ten (10) dollars and twenty-five (25) cents; John Nelson, thirty (30) dollars and fifteen (15) cents; Frederick F. LaVasseur, three (3) dollars and five (5) cents; Daniel W. O'Neill, thirty-seven (37) dollars and eighty-five (85) cents; Robert C. Orndorff, eighteen (18) dollars and ten (10) cents; Charles J. O'Drain, thirty-one (31) dollars and ninety-five (95) cents; Leonard V. O'Reagan, two (2) dollars and thirty (30) cents; Philip Pachelli, two (2) dollars and twenty-five (25) cents; Henry Pote, twelve (12) dollars and twenty-five (25) cents; Charles Palma, eighteen (18) dollars and sixteen (16) cents; John R. Pickwell, eight (8) dollars; Thomas Pendergast, nine (9) dollars and forty-five (45) cents; William J. Patterson, nineteen (19) dollars and fifty-five (55) cents; Harry Perry, fourteen (14) dollars and fifteen (15) cents; William J. Pensil, three (3) dollars and eighty (80) cents; Frank E. Quinn, twenty (20) dollars and thirty-five (35) cents; Thomas Quigley, thirteen (13) dollars and eighty-five (85) cents; James B. Richardson, twenty-one (21) dollars and thirty-five (35) cents; Robert E. Reilly, five (5) dollars and ninety (90) cents; John A. Rilley, eight (8) dollars;

Harry J. Rich, twenty-one (21) dollars and twenty-one (21) cents; Philip Roseboro, eleven (11) dollars and eighty-five (85) cents; Garrett Redmond, eleven (11) dollars and eighty-five (85) cents; Frederick J. Ryan, sixteen (16) dollars and eighty (80) cents; John Redding, twenty-two (22) dollars and thirty (30) cents; Hugh Reilly, five (5) dollars and thirty (30) cents; Harry Robson, five (5) dollars and fifteen (15) cents; James J. Sullivan, twenty-three (23) dollars and sixty (60) cents; Charles Smith, twenty (20) dollars and fifteen (15) cents; Andrew J. Sullivan, twenty-three (23) dollars and ten (10) cents; Benjamin F. Savage, thirty-one (31) dollars and thirty-five (35) cents; Michael Sheehan, twenty-two (22) dollars and twenty-five (25) cents; William R. R. Selby, twenty-two (22) dollars and five (5) cents; William T. Smith, six (6) dollars and fifty (50) cents; William F. Schaaf, ten (10) dollars and thirty-five (35) cents; Peter Sheller, fifteen (15) dollars and ninety (90) cents; John F. Schrader, four (4) dollars and thirty-five (35) cents; Louis Sibre, twenty-three (23) dollars and thirty-one (31) cents; John F. Stickel, two (2) dollars and sixty (60) cents; Fred Sheeklen, twelve (12) dollars and fourteen (14) cents; Abe Switken, two (2) dollars and eighty-nine (89) cents; Ferd E. V. Sappington, five (5) dollars and fifty (50) cents; Benjamin Schurr, fourteen (14) dollars and sixty (60) cents; Seull, thirteen (13) dollars and five (5) cents; John F. Schrader, five (5) dollars and sixty-five (65) cents; Isaac E. Sleater, eighteen (18) dollars and fifty (50) cents; Robert Steth, six (6) dollars; Benjamin Smith, six (6) dollars and fifteen (15) cents; Harry E. Tucker, twenty-two (22) dollars and fifteen (15) cents; John Toole, twelve (12) dollars; William H. Tyson, sixteen (16) dollars and ninety (90) cents; Robert H. Test, fifteen (15) dollars and seventy-five (75) cents; Joseph Van Horn, four (4) dollars and forty (40) cents; William H. Vail, forty-one (41) dollars and seventy (70) cents; A. Thompson, nine (9) dollars; Bernard Thornton, four (4) dollars and twenty (20) cents; Ephraim, three (3) dollars and thirty (30) cents; Albert E. Turner, seven (7) dollars; Adam Ulrick, twenty-six (26) dollars and eleven (11) cents;

Albert Walter, thirty (30) dollars and sixty-five (65) cents; Charles Wiley, eighty (80) cents; Frank Werderman, one (1) dollar and ninety (90) cents; John E. H. Winter, twenty-two (22) dollars and twenty-five (25) cents; John S. Wiggins, fourteen (14) dollars and ninety-five (95) cents; Andrew C. Walker, fifteen (15) dollars and sixty (60) cents; James L. Werte, nineteen (19) dollars and sixty-nine (69) cents; Robert L. Williams, eight (8) dollars and thirty (30) cents; James H. Williams, three (3) dollars and thirty-five (35) cents; Jesse J. Wister, fourteen (14) dollars and forty-four (44) cents; Charles B. Young, nine (9) dollars and forty (40) cents: total, three thousand seven hundred and fifty (3,750) dollars and fifty-six (56) cents; Hope Addressing Co., copies of traffic regulations, eighteen (18) dollars and seventy-five (75) cents; A. C. Ashmead, drugs and sundries, ninety-two (92) dollars and ninety (90) cents; Wm. H. Kensil, engraving and repairing badges, fifty-six (56) dollars and seventy-five (75) cents; The Diamond Rubber Co., tire case, five (5) dollars and twenty-five (25) cents; J. H. Dialogue & Son, repairs to Tug King, fourteen (14) dollars and fifty (50) cents; J. H. Wiestner, horseshoeing, three (3) dollars and fifty (50) cents; Wm. W. Steeley, storing of auto, twenty (20) dollars; Philadelphia Auto Supply Co., motorcycle lamps, five (5) dollars and fifty (50) cents; M. John Kleiber, horseshoeing, one (1) dollar and five (5) cents; Joseph Donnell, horseshoeing, eight (8) dollars; David Simpson, horseshoeing, thirty (30) dollars; Patrolman George Medway, Second District, salary, December, 1912, five days at two (2) dollars and sixty-five (65) cents per day, thirteen (13) dollars and twenty-five (25) cents; Patrolman John Mason, Traffic Squad, twelve days in December, 1912, at three (3) dollars per day, thirty-six (36) dollars; The Evening Telegraph, advertising, thirty-five (35) dollars and twenty-five (25) cents; The O. K. Addressing Co., to six days' service of Miss Bleu, twenty-four (24) dollars: total, eleven thousand one hundred and twenty (11,120) dollars and thirty-nine (39) cents; (Bureau of Fire) to Item 2½, to pay bills as follows: E. F. Rogers & Co., celluloid, three (3) dollars and sixty (60) cents; Thomp-

son Bros., angle valve, two (2) dollars and twenty-five (25) cents; Dr. W. T. VanPelt, professional services, fifteen (15) dollars; Peerless Motor Car Co., spark plugs and bolts, fourteen (14) dollars and sixty (60) cents; Queen & Co., surgical instruments, six (6) dollars; Fred White, removing horses, twenty-five (25) dollars; Chas. T. Groswith, removing ashes, forty-six (46) dollars; United Gas Improvement Co., gas, three (3) dollars and seventy (70) cents; Keim Supply Co., tool kit, six (6) dollars and seventy-five (75) cents; J. B. Shannon Hardware Co., nails, six (6) dollars and six (6) cents; Jas. J. Quigley & Son, repairs to heater, six (6) dollars and seventy-five (75) cents; Frank Frederick, laundry work, eleven (11) dollars and thirty-six (36) cents; Auto Equipment Co., repairs, seven (7) dollars and forty-four (44) cents: total, one hundred and fifty-four (154) dollars and fifty-one (51) cents. (Electrical Bureau): To Item 2½, to pay bills as follows: German Daily Gazette, for advertising, eighteen (18) dollars and fifty (50) cents; Sontag Journal, for advertising, four (4) dollars and twenty (20) cents; North American, for advertising, thirty-five (35) dollars; Evening Telegraph, for advertising, twenty-five (25) dollars and fifty (50) cents; Philadelphia Inquirer, for advertising, thirty-five (35) dollars; J. B. Shannon Hardware Co., for tools, twenty-one (21) dollars and seventy (70) cents; J. B. Shannon Hardware Co., for pipe, one (1) dollar and eight (8) cents; Keim Supply Co., for harness, twelve (12) dollars; Consolidated Safety Valve Co., for valve covers, twenty-five (25) dollars and seventy-four (74) cents; J. J. Shannon & Co., for hardware, ninety-two (92) dollars and five (5) cents; total, two hundred and seventy (270) dollars and seventy-seven (77) cents. (Bureau of City Property): To Item 2½, to pay bills as follows: E. A. Gimbel, office screens, rooms 540 and 542, City Hall, twenty-five (25) dollars and seventy-five (75) cents; The Anchor Packing Co., garden hose, bath house, Frankford, five (5) dollars; Chas. J. Field's Sons, hardware, City Hall, twelve (12) dollars and seventy-five (75) cents; Johnson Service Co., relay repairs, tower clock, City Hall, twelve (12) dollars; J. W. & C. H. Reeves, plastering cell room 753, City Hall, two hundred

and twenty-five (225) dollars; J. B. Shannon Hardware Co., hardware, City Hall, one hundred and eighty-six (186) dollars and twenty-three (23) cents; Dunlap Printing Co., mounting market plans, City Hall, one (1) dollar and twenty-five (25) cents; Philadelphia Toilet and Laundry Co., laundry work, City Hall, ten (10) dollars and twenty-two (22) cents; Philadelphia Toilet and Laundry Co., clean jumpers, laundering, City Hall, sixty-three (63) dollars and ten (10) cents; Philadelphia Towel Supply and Laundry Co., towel service, City Hall, seven (7) dollars and twenty (20) cents; The Clean Towel Supply Co., towel service, City Hall, etc., seventy-five (75) dollars and eighteen (18) cents; K. & B. Co., wire ties for paper baling press, City Hall, ten (10) dollars and fifty (50) cents; Dunlap Printing Co., printing specifications and proposals, three hundred and ninety-three (393) dollars and seventy-five (75) cents; The North American, advertising, one hundred and seventy-one (171) dollars and fifty (50) cents; The Philadelphia Record, advertising, thirty-five (35) dollars; The Philadelphia Inquirer, advertising, one hundred and forty-nine (149) dollars; The Evening Times, advertising, twenty-one (21) dollars and sixty (60) cents; The German Daily Gazette Publishing Co., advertising, seventy (70) dollars and fifty (50) cents; Public Ledger, advertising, one hundred and thirty (130) dollars and eighty (80) cents; Sonntag Journal, advertising, twenty-seven (27) dollars and thirty (30) cents; The Philadelphia Item, advertising, one hundred and fifty (150) dollars and seventy-five (75) cents; Philadelphia Tageblatt, advertising, forty-six (46) dollars; The Press Co., advertising, one hundred and thirty (130) dollars and twenty (20) cents; The Evening Telegraph, advertising, thirty-five (35) dollars and twenty-five (25) cents; James J. Quigley & Son, repairing mail chutes, City Hall, one hundred and thirty-two (132) dollars; James J. Quigley & Son, erecting galvanized skylight guards, City Hall, sixty-seven (67) dollars and fifty (50) cents; James J. Quigley & Son, repairs to leak in roof, Thirty-first District, four (4) dollars and thirteen (13) cents; Wm. W. Hodgson, ground glass, City Hall, thirteen (13) dollars and fifty (50) cents; The Red Cross

A. T. M. P. Co., rent telephone transmitters, City Hall, six (6) dollars; Estate of Oliver K. Reed, laundry work, City Hall, one (1) dollar and eighty-three (83) cents; John R. Green, constable's levy, seven (7) dollars and fifty (50) cents; James B. Walls, car fares, two (2) dollars and fourteen (14) cents; Stephan Kavanagh, car fares (mechanics), seven (7) dollars and sixty-nine (69) cents; Alfred W. Tappen, Jr., car fares (workmen), twenty-seven (27) dollars and forty-four (44) cents; J. W. R. Craig, car fares (workmen), forty-six (46) dollars and fifty-five (55) cents; Samuel Dudgeon, repairs to clocks, City Hall, one hundred and fifty-eight (158) dollars and fifty (50) cents; Geo. H. Poffenberger, caretaking, fertilizer and sundry repairs at Philadelphia Brigade Park, Antietam, Md., three hundred (300) dollars; Herman Bamford, plumbing, Twenty-seventh District Police Station, thirty (30) dollars; John J. Fitzgerald, plumbing repairs, Twenty-fourth District, sixty-four (64) dollars and thirty-five (35) cents; Frank H. Vogdes, repair damage to property at 304 North Thirty-ninth street, by auto fire truck, eighty-seven (87) dollars; John Williams, removing snow and ice, Ross Park, three (3) dollars and twenty (20) cents; Harry Gehman, removing snow and ice from pavements at plots, Broad and Butler, Sixth and Butler and Germantown avenue and York road, two (2) dollars and sixty (60) cents; H. B. Pancoast Co., plumbing supplies, Fourteenth District, six (6) dollars and fifty-seven (57) cents; Chas. M. Sheldrake, plumbing and steam-fitting repairs, sundry places, four thousand one hundred and ninety-seven (\$1,197) dollars and sixty-seven (67) cents; Geo. E. Bevan, plumbing supplies, Fourteenth and Eighteenth Districts, eighteen (18) dollars and ninety-two (92) cents; total, seven thousand one hundred and eighty (7,180) dollars and ninety-two (92) cents. (Bureau of Correction): To Item 2½, to pay bills, as follows: Public Ledger, for advertising, fifty-two (52) dollars and fifty (50) cents; Philadelphia Item, for advertising, twenty-seven (27) dollars and seventy-five (75) cents; Evening Telegraph, for advertising, twenty-four (24) dollars and seventy-five (75) cents;

Evening Bulletin, for advertising, twenty-four (24) dollars and seventy-five (75) cents; Public Ledger, for advertising, forty-three (43) dollars and twenty (20) cents; Philadelphia Tageblatt, for advertising, fifteen (15) dollars and twenty (20) cents; The Press Co., for advertising, twenty-seven (27) dollars and twenty (20) cents; total, two hundred and fifteen (215) dollars and thirty-five (35) cents. (Bureau of Elevator Inspection): To Item 2½: A Pomerantz & Co., for telephone brackets and stationery, twenty-four (24) dollars and forty (40) cents; O. K. Addressing Co., for typewriting, thirty-six (36) dollars; William H. Kensil, for badge, seven (7) dollars and fifty (50) cents; Walker & Kepler, for batteries and bulbs, thirteen (13) dollars and forty-four (44) cents; total, eighty-one (81) dollars and thirty-four (34) cents. Total for Department, twenty-one thousand seven hundred and fifty-two (21,752) dollars and twenty-seven (27) cents.

Department of Public Works (Director's Office): To Item 2½, to pay bills, as follows: Atlantic Refining Co., for gasoline, one hundred and seventy-six (176) dollars and sixty-one (61) cents; Fiske Rubber Co., for tires, etc., four hundred and forty-five (445) dollars and fifty-two (52) cents; Diamond Rubber Co., for tires, etc., eighty-six (86) dollars and forty (40) cents; Goodyear Tire and Rubber Co., for tires, etc., eight (8) dollars and twenty (20) cents; Firestone Tire and Rubber Co., for tires, etc., four hundred and forty-six (446) dollars and seven (7) cents; Consolidated Rubber Tire Co., for tires, etc., ninety-three (93) dollars and eighty-eight (88) cents; Bergdoll Rubber Co., for hire of auto, ten (10) dollars; Athletic Garage, for supplies for auto, nine (9) dollars and fifty (50) cents; Locust Auto Supply Co., for supplies for auto, four (4) dollars and fifty (50) cents; Eldredge Co., for supplies for auto, nine (9) dollars and thirty-one (31) cents; Keim Supply Co., for supplies for auto, sixty-six (66) dollars and twenty (20) cents; Henry A. Rowan, Jr., for storage of auto, twenty-one (21) dollars; North Philadelphia Auto Station, for storage and maintenance, seven hundred and two (702) dollars and thirty-nine (39) cents; Samuel D. Lit, overcoat

for chauffeur, eighteen (18) dollars and fifty (50) cents; N. Snellenburg & Co., uniforms for chauffeur, twenty-nine (29) dollars and ninety (90) cents; John Stockton, for transportation, eleven (11) dollars and thirty (30) cents; Fred. Morgan, for pen and ink cartoon, ten (10) dollars; George H. Logan, Jr., for photographic supplies, two (2) dollars and thirty-two (32) cents; Remington Typewriter Co., for typewriter and rental, one hundred and fourteen (114) dollars and five (5) cents; Bingham Co., for printing and stationery (1911 and 1912), two hundred and thirty-two (232) dollars and ten (10) cents; Underwood Typewriter Co., for tabulating machine, eighteen (18) dollars; Bell Telephone Co., for long distance calls, twenty-one (21) dollars and ten (10) cents; total, two thousand five hundred and thirty-six (2,536) dollars and eighty-five (85) cents. (Bureau of Highways): To Item 2½, to pay bills as follows: A. Anderman, for pencil sharpener, one (1) dollar and seventy-five (75) cents; Oliver Mfg. Co., for telephone brackets, nine (9) dollars; Dunlap Printing Co., for printing specifications, two hundred and forty-four (244) dollars and ten (10) cents; Sharpless & Watts, for floor cement, twelve (12) dollars; Edwin H. Vare, for work performed in connection with the cleaning of the Southern Boulevard for the reception of a Congressional Committee, May 10 and 11, 1912, two hundred and thirteen (213) dollars; also, for repairs to wood block pavements, in 1912, three thousand seven hundred and ninety-one (3,791) dollars and twenty-three (23) cents: total, four thousand and four (4,004) dollars and twenty-three (23) cents; Johnson & Prince, duplicating letters, six (6) dollars and ten (10) cents; Remington Typewriter Co., new machine, sundry repairs, one hundred and five (105) dollars and fifteen (15) cents; Springfield Water Supply Co., drinking water, ten (10) dollars and eighty (80) cents; Buffalo Steam Roller Co., repairs, two (2) dollars and fifty (50) cents; John Wanamaker, postage stamps, etc., one hundred and forty-four (144) dollars and fifteen (15) cents; Mrs. S. Nudd, storage, lumber and tools, thirty (30) dollars; Addressograph Co., supplies, thirty-one (31) dollars and thirty-seven (37) cents; M. J. Heavey, repairs to chairs, etc.,

fourteen (14) dollars and fifty (50) cents; General Electric Co., circuit breaker, etc., eighteen (18) dollars and ninety-nine (99) cents; Bell Telephone Co., long distance service, twenty-six (26) dollars and seventy (70) cents; Smyth Bros., window glass, twenty-nine (29) dollars and ninety-five (95) cents; H. C. Roberts Co., electrical supplies, thirty-nine (39) dollars and forty-two (42) cents; Spencer Bennett, agt., storage auto, First District, twelve (12) dollars; Scheid Bros. & Storch, sharpening picks, etc., fifteen (15) dollars and twenty (20) cents; Arthur H. Thomas, laboratory materials, thirty-nine (39) dollars; North Philadelphia Auto Station, storage automobiles, etc., four hundred and forty-nine (449) dollars and eighty-two (82) cents; James Irvin, sprinkling, two thousand five hundred and twenty (2,520) dollars; Harry Magee, sprinkling, two hundred and seventy-two (272) dollars and twenty-five (25) cents; E. F. Greathead, printing specifications, six hundred and seven (607) dollars and twenty-five (25) cents; J. Jos. McHugh, paving over pipes, conduits, etc., six (6) dollars and ninety-three (93) cents; M. & J. B. McHugh, curb and footways reset, etc., two hundred and fifty-four (254) dollars and thirty-seven (37) cents; Union Paving Co., repairing non-railway streets, fifteen (15) dollars and seventy (70) cents; Eastern Paving Co., repairing railway streets, one hundred and forty-two (142) dollars and thirty-two (32) cents; Malcolm Briggs, liability ditch, two (2) dollars and forty-six (46) cents; J. L. Fry, liability ditch, five (5) dollars and forty (40) cents; American P. & C. Co., contractor's liability, six (6) dollars and eighty-one (81) cents; J. F. Moss, liability ditch, one (1) dollar and sixty-nine (69) cents; H. Brockelhurst, contractor's liability, eight (8) dollars and thirty (30) cents; Union Paving Co., liability ditch, three (3) dollars and eighty (80) cents; C. R. Seigel, liability ditch, two (2) dollars and twenty-five (25) cents; H. E. Cassel, contractor's liability, four (4) dollars and eighty-eight (88) cents; Tioga Realty Co., contractor's liability, five (5) dollars and twenty-two (22) cents; Schneider & Irvin, contractor's liability, three (3) dollars and twenty (20) cents; Thos. Killough, liability ditch, three (3) dollars and ten (10)

cents; F. H. Benham, liability ditch, six (6) dollars and sixty (60) cents; J. C. Boggs, liability ditch, fifteen (15) dollars and forty-nine (49) cents; P. J. & J. T. Whelan, liability ditch, eight (8) dollars and sixty-four (64) cents; Barber Asphalt Co., manhole covers, twelve (12) dollars; Cunningham & Murray, contractor's liability, forty-five (45) dollars and eighty-eight (88) cents; Filbert P. & Con. Co., contractor's liability, two hundred and fifty-eight (258) dollars and five (5) cents; Thos. J. Field's Sons, shovels, one hundred and sixty-two (162) dollars and fifty (50) cents; Borrough's Adding Machine Co., two hundred and fifty (250) dollars; Chas. Benton, lumber, one hundred and forty-two (142) dollars and eighty-three (83) cents; Fiske Rubber Co., tires, etc., one hundred and thirty-four (134) dollars and seventeen (17) cents; J. B. Shannon Co., rope, seven (7) dollars and twenty (20) cents; Richard Levick, Son & Co., boots, coats and caps, seven hundred and forty-one (741) dollars and twenty (20) cents; P. J. & James T. Whelan, for asphalt paving in Belmar street, east of Fifty-eighth street, in front of property of Philadelphia Mission and Church Extension Society of the Methodist Episcopal Church, two hundred and three (203) dollars and six (6) cents; to refund to the Lutheran Mission and Church Extension Society money paid for paving in front of the Church of the Good Shepherd, two hundred and thirty-eight (238) dollars and twenty-two (22) cents; (repairs to meadow banks): the Atlantic Refining Co., for oil used in the extermination of mosquitoes, one hundred and six (106) dollars and seventy-eight (78) cents; Charles J. Field's Sons, for hardware and supplies used in distributing oil over the meadow banks, fifty-two (52) dollars and ten (10) cents; F. C. Goodwin, for shovels, four (4) dollars; Stille C. Chew, for dredging in the Swanson street canal, three hundred and twenty-two (322) dollars and twenty (20) cents; H. B. Willett Co., Ltd., for team hire, one hundred (100) dollars; (repairs and resurfacing asphalt streets): The Union Paving Co. of Philadelphia, for repairs to asphalt streets not occupied by the Philadelphia Rapid Transit Company, two (2) dollars and thirty-six (36) cents; and for work done on contract for surfacing

of Orkney street, from Jefferson to Oxford street, with asphalt on old concrete base, seventy-two (72) dollars and sixty-seven (67) cents; and for work done on contract for resurfacing Holywood street, from Thompson to Master street, forty-six (46) dollars and fifty-seven (57) cents; The Eastern Paving Co., for work done in repairing asphalt streets, sixty-nine (69) dollars and seventy-five (75) cents; George Kelley, for new valves, one (1) dollar and twenty-five (25) cents; Elvino V. Smith, for maps, two (2) dollars and fifty (50) cents; Cussack Hardware Company, for plug reducer, two (2) dollars and twenty-five (25) cents; Frank L. Neall, for services rendered from February 1st to 7th, inclusive, 1912, sixty (60) dollars and thirty-four (34) cents; Frank L. Neall, for money expended for postage, transportation, etc., twenty-six (26) dollars and eleven (11) cents; Frank L. Neall, for overtime paid laborer, twenty (20) dollars and thirty (30) cents; Ella F. Chadwick, one-half of three months' rent, October, November and December, due on yard in rear of 58 East Haines street, forty-five (45) dollars; Cornelius Chadwick, one-half of three months' rent, October, November and December, due on yard in rear of 58 East Haines street, forty-five (45) dollars; Overbrook Steam Heat Co., repairing manhole cover broken by steam roller, seventeen (17) dollars and forty-eight (48) cents; bills for the removal of snow, as follows: James F. Nolen, sixty-eight (68) dollars and thirty (30) cents; James Irvin, seven (7) dollars and sixty-five (65) cents; Peoples Brothers, fifty-five (55) dollars and twenty-five (25) cents; H. A. McCleman & Bro., six hundred and twenty-three (623) dollars and fifty-five (55) cents; M. & J. B. McHugh, four hundred and seventy-three (473) dollars and forty-five (45) cents; Scott Brothers, three hundred and thirty-one (331) dollars and fifty (50) cents; Benjamin Linker, one hundred and seven (107) dollars and ten (10) cents; J. Joseph McHugh, three hundred and eighty-seven (387) dollars and seventy-five (75) cents; Harry Magee, ninety-six (96) dollars and sixty (60) cents; Edwin H. Vare, one thousand seven hundred and nine (1,709) dollars and thirty-five (35) cents; James D. Dorney, one thousand three hundred and sixty-

six (1,366) dollars and five (5) cents; Benjamin F. Myers, Jr., five (5) dollars and ten (10) cents; Leonard Heinrich, eighteen (18) dollars and seventy (70) cents; Daniel Kinsley, twenty-one (21) dollars and eighty (80) cents; Richard P. Bennis, twenty-four (24) dollars and sixty-five (65) cents; P. J. Allen, forty-one (41) dollars and sixty (60) cents; and William Reed, two hundred and thirty-eight (238) dollars and eighty-five (85) cents; to pay wages in connection with the removal of snow, during December, 1912, as follows: William Radford, twenty-two (22) dollars and eighty-seven (87) cents; Frederick Sulzberger, twenty-four (24) dollars and ninety-three (93) cents; John Egan, three (3) dollars and seventy-five (75) cents; Frank McCann, three (3) dollars and seventy-five (75) cents; Thomas Connelly, three (3) dollars and twenty-five (25) cents; and Dennis Cannon, three (3) dollars and seventy-five (75) cents: total, seventeen thousand nine hundred and seventy-four (17,974) dollars and seventy-one (71) cents. (Bureau of Surveys): To Item 2½, to pay bills as follows: John J. Connor, for sewer on Wingohocking street, from Lawrence to Fifth street, forty-six (46) dollars and forty-eight (48) cents; P. J. & James S. Brady, for construction of sewer in Belmar street, east of Fifty-eighth street, in front of property of the Philadelphia Mission and Church Extension Society of the Methodist Episcopal Church, one hundred and seventy-seven (177) dollars: total, two hundred and twenty-three (223) dollars and forty-eight (48) cents. (Bureau of Water): To Item 2½, to pay bills as follows: D. B. Fitzpatrick, for professional services, four (4) dollars; Asheroft Mfg. Co., for gauges, six (6) dollars; Philadelphia and Reading Railway Co., for transportation, ten (10) dollars and five (5) cents; Philadelphia and Reading Railway Co., for supporting tracks, sixteen (16) dollars and nineteen (19) cents; Philadelphia and Reading Railway Co., for demurrage, nineteen (19) dollars; Harrison Safety Boiler Co., for repairs to boilers, twenty-eight (28) dollars and seventy-five (75) cents; Dravo-Doyle Co., for repairs to turbines, one hundred and forty-one (141) dollars and ninety-four (94) cents; Electric Bleaching Gas Co., for liquid chlorine, eighty-

eight (88) dollars and ninety-two (92) cents; Southwark Foundry and Machine Co., for repairs to machinery, one hundred and ninety-eight (198) dollars and seventy (70) cents; George A. Sinn, for broken stone, one hundred and eighty-six (186) dollars and ninety-six (96) cents; Dunlap Printing Co., for printing, sixty-four (64) dollars; George A. Sinn, for gravel, thirty-two (32) dollars and sixty-eight (68) cents; American Aromatic Disinfectors Co., for rent of disinfectors, one hundred and three (103) dollars and fifty (50) cents; P. J. & James T. Whelan, for laying water pipe in Belmar street, east of Fifty-eighth street, in front of property of the Philadelphia Mission and Church Extension Society of the Methodist Episcopal Church, one hundred (100) dollars: total, one thousand (1,000) dollars and sixty-nine (69) cents. Total for Department, twenty-one thousand seven hundred and thirty-five (21,735) dollars and seventy-three (73) cents.

Department of Public Health and Charities (Director's Office): To Item 2½, to pay bills as follows: A. Pomerantz & Company, for stationery (1911), fifteen (15) dollars and sixty-eight (68) cents; Philadelphia Typewriter Exchange, for typewriting paper, one (1) dollar and sixty (60) cents; A. & J. Con-
tole Bros., for newspapers, three (3) dollars and seventy-four (74) cents; North Philadelphia Automobile Station, for maintenance of automobile (1911 and 1912), two hundred and thirty-five (235) dollars and sixty-three (63) cents; Keim Supply Co., for maintenance of automobile, two hundred and sixty-two (262) dollars and twenty-two (22) cents; The Fisk Rubber Co., for automobile supplies (1911 and 1912), two hundred and fifty-two (252) dollars and forty-five (45) cents; Directors of the Poor of Chester County, for maintenance of patient, two hundred and sixty-four (264) dollars and twenty-five (25) cents; total, one thousand and thirty-five (1,035) dollars and fifty-seven (57) cents. (Bureau of Health): To Item 2½, to pay bills as follows: C. L. Williams & Co., for cloth caps, twenty-two (22) dollars; Philadelphia Local Telegraph Co., for messenger

service, two (2) dollars and eighty-one (81) cents; Philadelphia Inquirer, for advertising (1909 and 1911), seventy-two (72) dollars and thirty (30) cents; Shoemaker & Busch, for drugs, three hundred and forty-four (344) dollars and thirty-eight (38) cents; Western Electric Co., for furnishing telephone set, twelve (12) dollars and thirty (30) cents; George Oldach, for furnishing guinea pigs, ninety-nine (99) dollars; The Fisk Rubber Co., for maintenance of auto (1911 and 1912), one thousand six hundred and ninety-one (1,691) dollars and seventy-seven (77) cents; Philadelphia Toilet and Laundry Co., for laundry work on Race Street Pier (1911), twenty-eight (28) dollars and sixteen (16) cents; total, two thousand two hundred and seventy-two (2,272) dollars and seventy-two (72) cents. (Bureau of Charities): To Item 24 $\frac{1}{2}$, to pay bills as follows: Directors of the Poor of Chester County, for support (1911), fifty-eight (58) dollars and sixty (60) cents; Mary G. Corbin, for tuition, fifty-five (55) dollars; Underwood Typewriter Co., for machine, ninety-one (91) dollars and thirteen (13) cents; Blair County Home, for support, thirteen (13) dollars and twenty-four (24) cents; James Boyd & Brother, for fire hose, twenty-four (24) dollars; E. P. Off Dental Mfg. Co., for generators, thirty-five (35) dollars; The Evening Bulletin, for advertising, thirty-eight (38) dollars and forty (40) cents; The Evening Telegraph, for advertising, fifty-four (54) dollars; The Evening Times, for advertising, sixteen (16) dollars and twenty (20) cents; The North American, for advertising, fifty-seven (57) dollars and seventy-five (75) cents; Philadelphia Demokrat, for advertising, seventy-one (71) dollars and twenty-five (25) cents; The Philadelphia Inquirer, for advertising, thirty-four (34) dollars and twenty (20) cents; Philadelphia Tageblatt, for advertising, seventy-seven (77) dollars and forty (40) cents; The Press Company, forty-two (42) dollars and sixty (60) cents; Public Ledger, for advertising, thirty-four (34) dollars and twenty (20) cents; Franklin Smedley, for cattle, three hundred (300) dollars; H. K. Marshall, for roosters, seventeen (17) dollars and sixty (60) cents; Dairyman's Supply Company, for paper, repairs and adjusting farm

and dairy machinery, nineteen (19) dollars and sixty-nine (69) cents; Samuel T. Erwin, for farming implements, casting, seed, feed and miscellaneous farming supplies, two hundred and two (202) dollars and eighty-nine (89) cents; D. Landreth Seed Company, for beets, etc., nineteen (19) dollars; Henry F. Michell Company, for roots, paper, seeds, shell, etc., one hundred and sixty-eight (168) dollars and seventy (70) cents; W. S. McDermond, for cow, sixty (60) dollars; Linghocken Farms, for pig, thirty (30) dollars; John R. Hart, for sheep, seventy-five (75) dollars; John Wanamaker, for coat, thirty-five (35) dollars; Department of Charities and Correction, Pittsburgh, Pa., for support, fourteen (14) dollars and ninety-five (95) cents; The Supplee Alderney Dairy, for milk, seventy-eight (78) dollars and fifty-six (56) cents; Lillian Blue, for detective work, twenty-five (25) dollars; A. Otto Goldstein, for salary as Out-Door Physician, two (2) dollars and ninety (90) cents; C. R. M. Humphrys, for folding cots, one hundred and twenty-six (126) dollars and fifty (50) cents; D. W. Seltzer, for car fare, incidentals, etc., four hundred and twenty-three (423) dollars and three (3) cents; total, two thousand three hundred and one (2,301) dollars and seventy-nine (79) cents; total for Department, five thousand six hundred and ten (5,610) dollars and eight (8) cents.

Department of Supplies (Director's Office): To Item 2½, to pay bills, as follows: Philadelphia Record, for advertising, twenty-five (25) dollars. (Mayor): Atlantic Refining Company, for gasoline, thirty-one (31) dollars; Thomas W. Price Co., for paper, eighteen (18) dollars and fifty (50) cents; Jos. N. Snellenburg, for mats, two (2) dollars and four (4) cents; J. E. Fricke Co., for cord, four (4) dollars and eighty (80) cents; Oliver Mfg. Co., for desk sets, one (1) dollar and fifty (50) cents; A. Pomerantz & Co., for pen, five (5) dollars; Bingham Company, for stationery, one hundred and twenty-nine (129) dollars and four (4) cents; Ellis A. Gimbel, for stationery, sixteen (16) dollars and seventy-five (75) cents; Dunlap Printing Co., for printing Mayor's Annual Message, etc., one thousand four hundred and ninety

(1,490) dollars and seventy-eight (78) cents; Samuel D. Lit, for ladder, one (1) dollar and seventy-six (76) cents; Clean Towel Supply Co., for towel service, twenty-five (25) dollars and ninety-six (96) cents; Alfred Lowry & Bro., for Gold Dust, twelve (12) dollars and seventy-three (73) cents; Robt. Henderson & Co., for coal, eighty-six (86) dollars and ninety-five (95) cents; American Ice Co., for coal and ice, one hundred and twelve (112) dollars and five (5) cents; B. Rowland & Bro., for coal (1910), fifty (50) dollars and seventy (70) cents; Good-year Rubber Hose and Packing Co., for gaskets, four (4) dollars and fifty (50) cents; A. D. Lamson, for soap powder, sixteen (16) dollars and fifty (50) cents; Wm. H. Hoskins Co., for filing cabinet, etc., twelve (12) dollars; The Modoc Co., for oil, twenty-one (21) dollars and sixty-one (61) cents; Jones-Beach & Co., for plugs, etc., three (3) dollars and seventy-eight (78) cents; Girard Chemical Co., for soap powder, six (6) dollars and twenty-three (23) cents; Standard Supply and Equipment Co., for drill press, etc., twenty-five (25) dollars and forty-five (45) cents; Walker & Kepler, for electrical supplies, thirty-five (35) dollars and seventy-seven (77) cents; J. Steinberg, for brushes, fifteen (15) dollars and seventy-five (75) cents; total, two thousand one hundred and thirty-one (2,131) dollars and fifteen (15) cents. (Civil Service Commission): John Wanamaker, for stationery, thirty-seven (37) dollars and sixty-five (65) cents; S. S. Garrett Co., for paper, eighteen (18) dollars and fifty-nine (59) cents; Deemer & Jaisohn, for baskets, two (2) dollars; Bingham Co., for stationery, eighty-seven (87) dollars and seventy-three (73) cents; American Ice Co., for ice, eighteen (18) dollars and seventy-two (72) cents; Dunlap Printing Co., for printing, thirty (30) dollars and ninety-two (92) cents; J. H. Weil & Co., for paper weights, five (5) dollars and forty (40) cents; Library Bureau, for cards, nineteen (19) dollars and fifty (50) cents; total, two hundred and twenty (220) dollars and fifty-one (51) cents. (Law): Albert Anderman, for printing, etc., thirty (30) dollars and twenty-five (25) cents; Deemer & Jaisohn, for stationery, four (4) dollars and fifteen (15) cents; Bingham Co., for

printing, forty-three (43) dollars and sixty-three (63) cents; John Wanamaker, for paper, etc., twenty-four (24) dollars and six (6) cents; L. M. Jones, for telephone transmitters (1911), nine (9) dollars and sixty (60) cents; Dunlap Printing Co., for paper books, etc., one thousand five hundred and twenty-one (1,521) dollars and forty (40) cents; Remington Typewriter Co., for ribbon, thirteen (13) dollars and fifty (50) cents; Library Bureau, for filing cabinet, nineteen (19) dollars and eighty (80) cents; total, one thousand six hundred and sixty-six (1,666) dollars and thirty-nine (39) cents. (Receiver of Taxes): Clean Towel Supply Co., for towel service, thirteen (13) dollars and ten (10) cents; Dunlap Printing Co., for printing, eleven (11) dollars and sixty (60) cents; total, twenty-four (24) dollars and seventy (70) cents; (Art Jury): Guenther Lumber Co., for lumber, seven (7) dollars and fifty (50) cents. Health and Charities (Director's Office): Geo. W. Gibbons, for printing, twenty-four (24) dollars and twenty (20) cents; John Wanamaker, for paper, seven (7) dollars and twenty (20) cents; Wm. H. Hoskins Co., for filing cabinet, etc., twenty-seven (27) dollars and twenty (20) cents; total, fifty-eight (58) dollars and sixty (60) cents. (Health): Howe Addressing Co., for printing, etc., seventy-two (72) dollars and sixty (60) cents; Geo. W. Gibbons, for printing, fifty-nine (59) dollars and seventy-two (72) cents; Typewriter Speed Key Co., for carbon paper, one (1) dollar; F. S. Webster & Co., for pads, sixteen (16) cents; John S. Strafford, for printing, three (3) dollars; John T. Stanley, for soap, two (2) dollars and ten (10) cents; Shoemaker & Busch, for laboratory supplies, etc., one hundred and thirty-nine (139) dollars and sixty-one (61) cents; Bingham Co., for printing, fifty-two (52) dollars and ninety-six (96) cents; Albert Anderman, for stationery, etc., one hundred and seventy (170) dollars and forty-five (45) cents; Deemer & Jaisohn, for stationery, sixteen (16) dollars and sixty (60) cents; E. A. Gimbel, for stationery, five (5) dollars and fifty-seven (57) cents; Dunlap Printing Co., for printing, etc., two hundred and fifty-four (254) dollars; John Wanamaker, for napkins, etc., seventy-two (72) dollars and ninety (90) cents;

Kolb's Bakeries, for bread, four hundred and twenty-seven (427) dollars and two (2) cents; Breyer Ice Cream Co., for ice cream, two hundred and sixty-one (261) dollars and twenty-five (25) cents; J. B. Leifried, for vegetables, etc., seven hundred and twenty-three (723) dollars and one (1) cent; Philip Hoffman, for butter and eggs, two thousand five hundred and twenty-one (2,521) dollars and fourteen (14) cents; A. Salus & Sons, for poultry, ninety-one (91) dollars and thirty-five (35) cents; Roesch Packing Co., for fish, etc., one hundred and three (103) dollars and sixty-three (63) cents; W. H. Root, for milk and cream, ninety-one (91) dollars and seventy-four (74) cents; Edward W. Woolman, for milk and cream, two thousand four hundred and sixty-five (2,465) dollars and twenty-two (22) cents; Lorsch Bros., for groceries, forty (40) dollars and fifty (50) cents; C. F. Bonsor & Co., Inc., for coffee, one hundred and sixty (160) dollars; Kirk, Foster & Co., for mackerel, etc., thirty-seven (37) dollars and sixty (60) cents; Thos. Roberts & Co., for groceries, thirty-five (35) dollars and ninety-one (91) cents; Alfred Lowry & Bro., for groceries, etc., one thousand four hundred and twenty (1,420) dollars and eighty-six (86) cents; F. X. Mathis, Jr., for meats, etc., one thousand four hundred and twenty-four (1,424) dollars and eighty-seven (87) cents; M. P. Howlett, for fish, etc., one hundred and two (102) dollars and forty-one (41) cents; The Chris. Gallagher Co., for whiskey, ninety (90) dollars and ninety-nine (99) cents; Chas. J. Field's Sons, for barrows, fourteen (14) dollars and twenty-two (22) cents; Thos. Martindale & Co., for whiskey, fourteen (14) dollars; Quaker City Rubber Co., for washers, forty (40) cents; J. B. Shannon Mdw. Co., for saw blades, three (3) dollars and thirty-six (36) cents; Soetting, Havens & Co., for sweepers, four (4) dollars; Horace T. Potts & Co., for steel, eighty-eight (88) cents; Walker & Kepler, for lamps, etc., eighty-eight (88) dollars and eighty-six (86) cents; Samuel D. Lit, for clothing, two hundred and ninety-seven (297) dollars and fifty (50) cents; Atlantic Refining Co., for gasoline, etc., one hundred and eighty-eight (188) dollars; Edward Trainer, for whiskey (1909), one hundred and ten (110) dollars and ninety

(90) cents; Jos. N. Snellenburg, for blankets, etc., three hundred and four (304) dollars and eighteen (18) cents; Union Petroleum Co., for oil, five (5) dollars and seventy-two (72) cents; McCann Ice Co., for ice (1911), two hundred and four (204) dollars and forty-three (43) cents; Blum Bros., Inc., for sheets, etc., two hundred and eighty-six (286) dollars and seventy-five (75) cents; Walter C. Shipley, for coal, one hundred and sixty-six (166) dollars and eighteen (18) cents; Edward Connor, for coal (1911), one hundred and two (102) dollars; W. S. Hansell & Sons, for harness dressing, three (3) dollars and twenty (20) cents; Keim Supply Co., for harness, etc., sixty (60) dollars and twenty (20) cents; David McMullin, Jr., for forage, fifty-two (52) dollars and fifty-two (52) cents; A. Pomerantz Co., for stationery, four (4) dollars and fifty (50) cents; Textile Supply Co., for handles, etc., one (1) dollar and forty-nine (49) cents; Eastburn & Co., for brooms, one (1) dollar and fifty-eight (58) cents; Arthur H. Thomas Co., for laboratory supplies, one hundred and ninety-four (194) dollars and six (6) cents; total, twelve thousand nine hundred and fifty-seven (12,957) dollars and ten (10) cents. (Charities): James Arnold, for printing, seventy-seven (77) dollars; J. H. Weil & Co., for stationery, four (4) dollars and fifty (50) cents; John Wanamaker, for stationery, twenty-three (23) dollars and eight (8) cents; Alfred Lowry & Bro., for groceries, etc., five thousand six hundred and fifty-eight (5,658) dollars and sixty-three (63) cents; M. P. Howlett, for oysters, etc., three hundred and fifty-three (353) dollars and twenty-five (25) cents; A. Froesch, for mackerel, fifty-two (52) dollars; A. Salus & Son, for hams (1911), one hundred and thirty-five (135) dollars and thirty-five (35) cents; Chas. B. Herfurth, for fish, etc., two thousand nine hundred (2,900) dollars and sixty-seven (67) cents; M. Myer's Sons, for beef, five hundred and seventy-three (573) dollars and ninety-two (92) cents; Roesch Packing Co., for beef, four hundred and three (403) dollars and fifty-one (51) cents; David C. Bradley, for poultry, one hundred and seventy-two (172) dollars and thirty-two (32) cents; D. B. Martin Co., for mutton, etc., four hundred and

eighty-one (481) dollars and ten (10) cents; Thos. Roberts & Co., for groceries, two thousand and eighty-four (2,084) dollars and thirteen (13) cents; Kirk, Foster & Co., for groceries, one thousand and eighty-three (1,083) dollars and eighty-four (84) cents; B. F. Bonsor & Co., Inc., for coffee, three thousand one hundred and thirty-seven (3,137) dollars and fifty-five (55) cents; J. Eavenson & Sons, Inc., for soap, three hundred and seventy-seven (377) dollars and eighty-eight (88) cents; Jos. N. Snellenburg, for shoes, five hundred and seventy-five (575) dollars; Dairymen's Supply Co., for milk cans, twenty-one (21) dollars and twenty-five (25) cents; Textile Supply Co., for oilcloth, sixty-four (64) dollars and three (3) cents; M. J. Heavey, for window shades, etc., sixty-two (62) dollars and seventy-five (75) cents; Gulf Refining Co., for gasoline, one hundred and thirty-four (134) dollars and eight (8) cents; Atlantic Refining Co., for gasoline, etc., one hundred and thirty-six (136) dollars and ninety-one (91) cents; M. F. Connor, for coal (1909), sixty-four (64) dollars and eighty (80) cents; David McMullin, Jr., for forage, nine hundred and fifty-five (955) dollars and sixty-nine (69) cents; Keim Supply Co., for harness, sixty-six (66) dollars; Loos & Dilworth, for oil, one hundred and twenty-one (121) dollars and sixty-eight (68) cents; Shoemaker & Busch, for varnish, fifty-seven (57) dollars; McArdle & Cooney, for pipe, seventy-one (71) dollars and sixty-nine (69) cents; V. Clad & Sons, Inc., for boiler, forty (40) dollars; Walker & Kepler, for electrical supplies, sixty-one (61) dollars and sixty-three (63) cents; J. H. Callahan, for grates, nine (9) dollars; Ford & Kendig, for valves (1911), forty-four (44) dollars and forty (40) cents; total, twenty-thousand and four (20,004) dollars and sixty-four (64) cents. Public Safety (Director's Office): Clean Towel Supply Co., for towel service, nineteen (19) dollars and eight (8) cents; American Ice Co., for ice, twenty-one (21) dollars and eighty-four (84) cents; Deemer & Jaisohn, for basket sixty-seven (67) cents; Wm. H. Hoskins Co., for cards, twenty-seven (27) dollars and forty (40) cents; E. F. Greathead, for printing, six (6) dollars and fifty (50) cents; Jos. N. Snellenburg, for desk covers, three (3)

dollars; Howe Addressing Co., for printing, four (4) dollars; Dunlap Printing Co., for cards, forty-six (46) dollars and thirty-five (35) cents; Bingham Co., for stationery, three (3) dollars and seventy-two (72) cents; Alvah Bushnell Co., for wallets, two (2) dollars and fifty (50) cents; total, one hundred and thirty-five (135) dollars and six (6) cents. (Police): Bingham Co., for printing, etc., one hundred and eighty-four (184) dollars and seventy-five (75) cents; Howe Addressing Co., for printing, nine (9) dollars and fifty (50) cents; Albert Anderman, for printing, etc., fourteen (14) dollars; Dunlap Printing Co., for printing, etc., forty-eight (48) dollars and eighty-eight (88) cents; Chas. Beck Co., for paper, twelve (12) dollars and thirty (30) cents; A. Pomerantz & Co., for furniture, sixty-five (65) dollars; Strawbridge & Clothier, for baskets, seventy-five (75) cents; John Wanamaker, for stationery, three (3) dollars and twenty-two (22) cents; Remington Typewriter Co., for typewriter, fifty-one (51) dollars; Geo. W. Gibbons, for printing, forty-eight (48) dollars and forty-five (45) cents; Frank T. Dunlap, for canvas, etc., one hundred and ninety (190) dollars and fifty-five (55) cents; Keim Supply Co., for harness, etc., two hundred and sixty (260) dollars; Wm. Davis's Son, for badge, one (1) dollar and twenty-five (25) cents; Chas. J. Field's Sons, for lanterns, etc., eighty-three (83) dollars and sixty-four (64) cents; Wm. H. Horstmann Co., for harness, etc., sixty-two (62) dollars and thirteen (13) cents; Jos. N. Snellenburg, for furniture, etc., seven hundred and forty-three (743) dollars and fifty-two (52) cents; Jno. C. Hancock & Co., for coal and wood, nineteen (19) dollars and eighty-five (85) cents; Walter C. Shipley, for coal, one hundred and nine (109) dollars and one (1) cent; American Ice Co., for ice, eighty-two (82) dollars and eighty-five (85) cents; Union Petroleum Co., for oil, sixty-one (61) dollars and ninety-three (93) cents; Maddock & Company, for ladder, etc., five (5) dollars and sixty-nine (69) cents; Woodington Mfg. Co., for polish, seventy-five (75) dollars; Globe-Wernicke Co., for chair, three (3) dollars and fifteen (15) cents; Seltzer-Klahr Hardware Co., for ash cans, etc., ninety-one (91) dollars;

Samuel D. Lit, for gum aprons, etc., twenty-six (26) dollars and sixty-five (65) cents; Textile Supply Co., for towels, one (1) dollar and five (5) cents; J. B. Shannon Hardware Co., for hardware, etc., twenty-one (21) dollars and eighty-five (85) cents; J. M. Vance Hardware Co., Inc., for cuspidors, forty-eight (48) dollars and sixty (60) cents; Electric Hose and Rubber Co., for mats, twenty-three (23) dollars and sixty-four (64) cents; De-Zouche Hanson Co., for gauge glasses, sixty-five (65) cents; Clement-Restein Co., for gaskets, four (4) dollars and forty-three (43) cents; James J. Quigley & Son, for sheet iron, etc., eighteen (18) dollars and forty (40) cents; W. W. Hodgson, for oil, etc., fifteen (15) dollars and twenty-four (24) cents; Quaker City Rubber Co., for hose, fifteen (15) dollars and seventy-five (75) cents; John J. McGrath, for waste, forty-four (44) dollars and sixty-five (65) cents; Keystone Spring Works, for springs, forty-two (42) dollars and twenty-five (25) cents; Wm. S. Hansell & Sons, for harness, etc., one hundred and ten (110) dollars and five (5) cents; Soeffing, Havens & Co., for chains, twelve (12) dollars; J. Tritsch & Co., for sponges, one hundred and twenty-four (124) dollars and twenty (20) cents; M. J. Heavey, for awnings, etc., one hundred and twenty-five (125) dollars and twenty (20) cents; total, two thousand eight hundred and sixty-two (2,862) dollars and three (3) cents. (Correction): Bingham Co., for printing, one (1) dollar and seventy-five (75) cents; Geo. W. Gibbons, for printing, seventeen (17) dollars and fifty (50) cents; A. Sheppard & Son, for tea, two (2) dollars and seventeen (17) cents; The Fleischmann Co., for yeast, forty-eight (48) dollars and seventy-five (75) cents; A. Salus & Son, for poultry, three hundred and ninety-nine (399) dollars and sixty-six (66) cents; A. Froesch, for meats, two hundred and thirty-seven (237) dollars and forty-four (44) cents; Armour & Co., for eggs, twenty-nine (29) dollars and ninety-six (96) cents; Alfred Lowry & Bro., for groceries, three hundred and forty-seven (347) dollars and ninety (90) cents; Thos. Roberts & Co., for groceries, eight (8) dollars and twenty-five (25) cents; National Chemical Co., Inc., for

soda, nine (9) dollars and eighty (80) cents; Jos. N. Snellenburg, for mats, etc., thirty-three (33) dollars and sixty-five (65) cents; Samuel D. Lit, for napkins, seventeen (17) dollars and ninety (90) cents; John Wanamaker, for dry goods, ten (10) dollars and seventy-five (75) cents; Berg Bros., for caps, twelve (12) dollars; Guenther Lumber Co., for lumber, sixteen (16) dollars and thirteen (13) cents; Chas. Benton, for lumber, fifty-five (55) dollars and sixty-eight (68) cents; Sherwin-Williams Co., for varnish, etc., eighteen (18) dollars and forty-four (44) cents; Keim Supply Co., for harness, seven (7) dollars and ninety-six (96) cents; J. Jacob Shannon Co., for hardware, ninety-two (92) dollars and fifty-five (55) cents; McArdle & Cooney, for fittings (1911), two (2) dollars and twenty-five (25) cents; Gt. Van Waveren Kruijff, for bulbs, etc, twenty-six (26) dollars and twenty-two (22) cents; Chas. J. Field's Sons, for hardware, forty-seven (47) dollars and forty-seven (47) cents; Weston Dodson & Co., Inc., for coal, four hundred and seventeen (417) dollars and thirty-five (35) cents; W. C. Kirk & Co., for coal (1911), one hundred and nineteen (119) dollars and ninety-one (91) cents; Walter T. Bradley Co., for lime, twenty (20) dollars and twenty-five (25) cents; John Kreutz, for gas lime, two hundred and fifty-one (251) dollars and seventy-six (76) cents; Spaulding & Metcalf, for scales, four (4) dollars and forty-five (45) cents; Jas. J. Quigley & Sons, for castings, twenty-three (23) dollars and seventy (70) cents; total, two thousand two hundred and eighty-one (2,281) dollars and sixty (60) cents. (Fire): Dunlap Printing Co., for printing, eight (8) dollars and eighty (80) cents; G. H. Clamer, for castings, eighty-seven (87) dollars and sixty-nine (69) cents; J. Alfred Clark, for castings, one hundred and eighteen (118) dollars and ninety (90) cents; E. A. Beaumont, Jr., for castings, one hundred and fifty-seven (157) dollars and fifty-six (56) cents; Frank H. Stewart Elect. Co., for electrical supplies, eighteen (18) dollars and sixty (60) cents; Jas. J. Quigley & Son, for coils, etc., one hundred and five (105) dollars and thirty-five (35) cents; J. Steinberg, for brushes, etc., forty-two (42) dollars and forty-five

(45) cents; Union Petroleum Co., for oil, sixteen (16) dollars and fifty (50) cents; Seltzer Klahr Hardware Co., for cans, eleven (11) dollars and forty (40) cents; American Ice Co., for coal and ice, one hundred and fifty-five (155) dollars and fifteen (15) cents; John C. Hancock & Co., for coal, three hundred and thirty-three (333) dollars and fifty (50) cents; Wm. Magee's Sons, for coal, sixty-four (64) dollars; M. F. Connor, for coal (1909), two hundred and forty-five (245) dollars and thirty-one (31) cents; Keystone Coal and Wood Co., for wood, two hundred and fifteen (215) dollars; Jos. N. Snellenburg, one hundred and forty (140) dollars; total, one thousand seven hundred and twenty (1,720) dollars and twenty-one (21) cents. (Electrical): Clean Towel Supply Co., for towel service, twenty-one (21) dollars and nine (9) cents; Wm. H. Hoskins Co., for trays, five (5) dollars and seventy-five (75) cents; E. A. Gimbel, for stationery, eleven (11) dollars and five (5) cents; John Wanamaker, for stationery, three (3) dollars and sixty (60) cents; Guenther Lumber Co., for lumber, thirteen (13) dollars and eighty-one (81) cents; Albert Anderman, for printing, six (6) dollars and seventy-five (75) cents; J. Tritsch & Co., for soap, eighty-three (83) cents; The Bingham Co., for printing, thirty-one (31) dollars; American Ice Co., for ice, sixteen (16) dollars and forty-seven (47) cents; Geo. B. Clopp, for boxes, etc., ninety (90) dollars; Bernard McCurdy, for poles, thirty-five (35) dollars and seventy (70) cents; Jas. Boyd & Bro., for valve seats, two hundred and eighty-eight (288) dollars; Western Electric Co., for electrical supplies, five hundred and fifty-one (551) dollars and twelve (12) cents; J. B. Shannon Hdw. Co., for nails, twelve (12) cents; Gamewell Fire Alarm Tel. Co., for magnets, sixty (60) dollars; J. J. Shannon & Co., for hdw., etc., eleven (11) dollars and ten (10) cents; K. & B. Co., for electrical supplies, forty-two (42) dollars and thirty-nine (39) cents; Stokes Bros. Co., Inc., for lumber, eighteen (18) dollars; Cusack Hardware Co., for chain, etc., seventy-nine (79) dollars and ninety-five (95) cents; John Maneely, for fittings, ten (10) dollars and seventy-five (75) cents; Robt. Henderson & Co., for coal, six (6) dollars and forty-three (43) cents; total,

one thousand three hundred and three (1,303) dollars and ninety-five (95) cents. (Building Inspection): Dunlap Printing Co., for printing, twenty-one (21) dollars and eighty-eight (88) cents; John Wanamaker, for stationery, four (4) dollars and eighty-four (84) cents; Albert Anderman, for printing, forty-nine (49) dollars and eighty (80) cents; The Bingham Co., for printing, forty-three (43) dollars and eighty-one (81) cents; Sidney J. Burgoyne, for printing, twelve (12) dollars and fifty (50) cents; total, one hundred and thirty-two (132) dollars and eighty-three (83) cents. (Elevator Inspection): Dunlap Printing Co., for printing, seventy-eight (78) dollars and forty-seven (47) cents; E. F. Greathead, for cards, two (2) dollars and ten (10) cents; Geo. W. Gibbons, for cards, forty-one (41) dollars and fifteen (15) cents; John S. Strafford, for printing, nineteen (19) dollars and eighty-five (85) cents; total, one hundred and forty-one (141) dollars and fifty-seven (57) cents. (City Property): Keystone Blue Paper Co., for blue print paper, seventy-eight (78) dollars and sixteen (16) cents; F. Weber & Co., for tracing paper, two (2) dollars and eighty-one (81) cents; J. H. Weil & Co., for tracing cloth, six (6) dollars and ninety (90) cents; Iszard Warren & Co., Inc., for tracing paper, two (2) dollars and seventy (70) cents; Geo. W. Gibbons, for printing, three (3) dollars and fifty (50) cents; Dunlap Printing Co., for printing, eighty-eight (88) dollars and fourteen (14) cents; Library Bureau, for cards, two (2) dollars and fifty (50) cents; John Wanamaker, for stationery, etc., one (1) dollar and fifty-seven (57) cents; Albert Anderman, for stationery, etc., twenty-four (24) dollars and seventy-three (73) cents; The Bingham Co., for stationery, nineteen (19) dollars and twenty-five (25) cents; Brilliant Mfg. Co., for vender plates, sixty-one (61) dollars and twenty-five (25) cents; Columbia Ribbon and Carbon Mfg. Co., for stationery, three (3) dollars and fifty (50) cents; Supplee Hardware Co., for hardware, nineteen (19) dollars and seventy-five (75) cents; Jos. N. Snellenburg, for carpet, twelve (12) dollars; Guenther Lumber Co., for lumber, twenty-four (24) dollars and ninety-two (92) cents; Jas. Irvin, for brick, three (3) dollars; E. Clinton

& Co., Inc., for brushes, two (2) dollars and forty (40) cents; Union Petroleum Co., for gasoline, one (1) dollar and thirty-three (33) cents; Turpsene Mfg. Co., Inc., for paint, thirteen (13) dollars and forty (40) cents; Richard P. Bennis, for trap rock, four (4) dollars and nineteen (19) cents; Robt. Henderson & Co., for coal, sixty-eight (68) dollars and nine (9) cents; Jno. C. Hancock & Co., for coal, fourteen (14) dollars and ninety (90) cents; Keystone Coal and Wood Co., for wood, ten (10) dollars and seventy-five (75) cents; Clement-Restein Co., for mats, twenty (20) dollars and ten (10) cents; Williams, Brown & Earle, Inc., for thermometers, four (4) dollars and eighty-eight (88) cents; J. B. Shannon Hardware Co., for hardware, six (6) dollars and eighty-seven (87) cents; R. Levick's Son & Co., for gum goods, etc., eight (8) dollars and fifty-six (56) cents; Thos. C. McBride, for valve rod, fifty (50) cents; Swift & Co., for soap, seven (7) dollars and seventy (70) cents; Elisha Webb & Son Co., for valves, twelve (12) dollars and fifty (50) cents; Chas. H. Rath Co., Inc., for paste, one (1) dollar and forty-four (44) cents; American Radiator Co., for levers, seventy-five (75) cents; Jos. Dixon Crucible Co., for graphite, seventeen (17) cents; John Maneely, for gauge glasses, eighteen (18) cents; Ford & Kendig Co., for valves, one (1) dollar and sixty (60) cents; Seltzer-Klahr Hardware Co., for tools, etc., three (3) dollars and eighty-one (81) cents; Shoemaker & Busch, for ammonia, etc., thirty-eight (38) dollars and one (1) cent; Maddock & Co., for hardware, twenty-nine (29) dollars and sixty-five (65) cents; N. Z. Graves Co., for paints, seven (7) dollars and sixty (60) cents; Cusack Hardware Co., for gong, etc., thirteen (13) dollars and thirty-five (35) cents; W. W. Hodgson, for oil, thirteen (13) dollars and twenty (20) cents; Strawbridge & Clothier, for mats, two (2) dollars and thirteen (13) cents; Abram Cox Stove Co., for stove, etc., nineteen (19) dollars and ninety-two (92) cents; J. Jacob Shannon & Co., for hardware, nine (9) dollars and forty (40) cents; John Lucas & Co., for glass, fifty-six (56) cents; Yarnall Paint Co., for paint, twenty-three (23) dollars and thirty-six (36) cents; Ellis A. Gimbel, for gas mantle,

etc., eighty-five (85) cents; Chas. J. Field's Sons, for hardware, five (5) dollars and twenty-six (26) cents; Pennsylvania Alcohol and Chemical Co., for turpentine, six (6) dollars and eighty-eight (88) cents; Samuel H. French & Co., for paint, sixty (60) cents; Hires-Turner Glass Co., for glass, thirteen (13) dollars and eighteen (18) cents; Soeffing, Havens & Co., for hardware, one (1) dollar and twenty (20) cents; Walker & Kepler, for pipe, one (1) dollar and ninety-two (92) cents; Lewis U. Bean Co., for paint, etc., sixteen (16) dollars and forty-four (44) cents; Jos. L. Shoemaker & Co., for furniture, thirty-five (35) dollars and seventy-five (75) cents; J. Tritsch & Co., for brushes, fifty-three (53) cents; Eastburn & Co., for brooms, three (3) dollars and fifteen (15) cents; Tioga Sawdust Co., for sawdust, four (4) dollars and fifty (50) cents; A. D. Lampson, for soap powder, three (3) dollars; Swift & Co., for soap, three (3) dollars and sixty-three (63) cents; Samuel D. Lit, for handles, one (1) dollar and forty-seven (47) cents; Frank T. Dunlap, for chamois, thirty-seven (37) dollars and forty (40) cents; Boyer & Co., for soap powder, fourteen (14) dollars and eighty-eight (88) cents; Jas. Boyd & Bro., Inc., soda, etc., eight (8) dollars and fifty (50) cents: total, eight hundred and fifty-five (855) dollars and twelve (12) cents. (Public Works, Director's Office): Clean Towel Supply Co., for towel service, six (6) dollars and ninety-three (93) cents; Central News Co., for inkstand, seventy (70) cents; American Ice Co., for ice, eighteen (18) dollars and ninety-one (91) cents; Dunlap Printing Co., for printing, six (6) dollars and forty (40) cents; John T. Stanley, for soap, one (1) dollar; total, thirty-three (33) dollars and ninety-four (94) cents. (Bureau of Highways): F. Weber & Co., for draughting materials, etc., one hundred and nine (109) dollars and fourteen (14) cents; E. F. Greathead, for printing, seventy (70) dollars; Ambert File and Index Co., for files, fourteen (14) dollars; Remington Typewriter Co., for ribbons, one (1) dollar and thirteen (13) cents; F. S. Webster Co., for ribbon, eighteen (18) cents; J. H. Weil & Co., for pencils, twenty-one (21) dollars and forty (40) cents; E. C. Rahme, for newspapers, twelve

(12) dollars and forty-eight (48) cents; Geo. W. Gibbons, for printing, seventeen (17) dollars and ninety-five (95) cents; Deemer & Jaisohn, for stationery, twenty-six (26) dollars and fifty (50) cents; Wm. H. Hoskins Co., for stationery, etc., forty-two (42) dollars; Ellis A. Gimbel, for stationery, etc., two hundred and seventy-nine (279) dollars and forty (40) cents; Jos. N. Snellenburg, for furniture, etc., forty-nine (49) dollars and forty (40) cents; Samuel D. Lit, for chairs (1910), sixteen (16) dollars; Bingham Company, for stationery, etc., sixty (60) dollars and twenty-eight (28) cents; John Wanamaker, for stationery, eighty-nine (89) dollars and seventy-one (71) cents; Albert Anderman, for stationery, etc., two hundred and thirty-three (233) dollars and sixty-three (63) cents; The Globe-Wernicke Co., for stools, thirty-five (35) dollars and sixty-four (64) cents; Albert Anderman, for stationery (1911), two hundred and ninety-eight (298) dollars and thirteen (13) cents; Peoples Brothers, for sand, one hundred and fourteen (114) dollars and ninety-four (94) cents; J. Alfred Clark, for castings, three hundred and forty-eight (348) dollars and five (5) cents; J. J. Fitzgerald & Co., for terra-cotta pipe, etc., one hundred and twenty-seven (127) dollars and five (5) cents; Morris Wheeler & Co., for iron, twenty-seven (27) dollars and eighteen (18) cents; Standard Supply and Equipment Co., for cans, seven (7) dollars and eighty (80) cents; Chas. J. Field's Sons, for hardware and tools, two hundred and twenty-two (222) dollars and thirty-seven (37) cents; Guenther Lumber Co., for lumber, five hundred and eight (508) dollars and seventy-eight (78) cents; Charles Benton, for lumber, five hundred and nineteen (519) dollars and ninety-nine (99) cents; De Zouche, Hanson & Co., for hardware, twelve (12) dollars and fifty (50) cents; J. B. Shannon Hardware Co., for hardware, thirty-six (36) dollars and twelve (12) cents; Union Petroleum Co., for oil, etc., one hundred and fifty-one (151) dollars and eighty-one (81) cents; John Lucas & Co., for paints, etc., thirty-two (32) dollars and fifty-six (56) cents; Knickerbocker Lime Co., for cement, seventy-nine (79) dollars and ten (10) cents; Atlantic Refining Co., for oil, fifty-one (51) dol-

lars and ten (10) cents; Clement-Restain Co., for couplings, two (2) dollars and fifty (50) cents; Maddock & Co., for handles, nine (9) dollars; Quaker City Iron Works, for iron plates, two (2) dollars and eighty-eight (88) cents; Revere Rubber Co., for hose, forty-two (42) dollars and ten (10) cents; Spauling & Metcalf, for scale, twelve (12) dollars; J. Tritsch & Co., for sweepers, sixteen (16) dollars and eighty (80) cents; E. A. Beaumont, Jr., for iron covers, etc., eighty-six (86) dollars and six (6) cents; Jones-Beach & Co., for lamps, etc., forty-six (46) dollars and twenty-five (25) cents; Jas. J. Quigley & Son, for pipe, two (2) dollars and forty (40) cents; American Ice Co., for ice, fifty-seven (57) dollars and six (6) cents; Robt. Henderson & Co., for coal, one hundred and fifty-eight (158) dollars and fifty (50) cents: total, four thousand and fifty-one (4,051) dollars and eighty-seven (87) cents. (Lighting): A. Anderman, for tags, seven (7) dollars and fifty (50) cents; The Elliott-Lewis Electrical Co., Inc., for lamp, two (2) dollars; John Wanamaker, for furniture, ninety (90) dollars and ten (10) cents; Wm. H. Hoskins Co., for furniture, etc., forty-five (45) dollars and thirty-four (34) cents; Library Bureau, for filing cabinet, sixty-three (63) dollars; total, two hundred and seven (207) dollars and ninety-four (94) cents. (Surveys): Keystone Blue Paper Co., for paper, sixteen (16) dollars and forty-four (44) cents; The Bingham Co., for printing, etc., twenty-eight (28) dollars and eighty-nine (89) cents; Dunlap Printing Co., for printing, etc., one hundred and seventeen (117) dollars and sixty-three (63) cents; Lafferty-Macey Co., for filing cases, nineteen (19) dollars and seventy-five (75) cents; S. Levy, for dusters, three (3) dollars and thirty-eight (38) cents; Iszard-Warren Co., Inc., for tapes, five (5) dollars and fifty-four (54) cents; Howe Addressing Co., for cards, six (6) dollars and ninety (90) cents; Geo. W. Gibbons, for printing, thirty-five (35) dollars and twenty-five (25) cents; Guenther Lumber Co., for lumber, one hundred and seventy-nine (179) dollars and fifty (50) cents; Williams, Brown & Earle, Inc., for paper, eight (8) dollars; Supplee Hardware Co., for grindstones, three (3) dollars and fifteen (15) cents; J.

H. Weil & Co., for ink, etc., seven (7) dollars and nineteen (19) cents; William Bryant, for coal, forty-eight (48) dollars and twenty-five (25) cents: total, four hundred and seventy-nine (479) dollars and eighty-seven (87) cents. (Water): Clean Towel Supply Co., for towel service, one hundred and twenty-two (122) dollars and forty-four (44) cents; John S. Strafford, for printing, sixteen (16) dollars; Bingham Co., for stationery, two hundred and twelve (212) dollars and seventy-seven (77) cents; Howe Addressing Co., for printing, two (2) dollars and sixty (60) cents; American Ice Co., for ice, sixty-eight (68) dollars and seventy-five (75) cents; Samuel D. Lit, for subscriptions, etc., twelve (12) dollars and seventy-seven (77) cents; E. A. Gimbel, for books, etc., thirty-six (36) dollars and thirteen (13) cents; Smith & Holthaus, for coal, seventeen (17) dollars and seven (7) cents; Robt. Henderson & Co., for coal, five hundred and twenty-eight (528) dollars and sixty (60) cents; Smith & Holthaus, for coal (1910), fifty (50) dollars and eighty-five (85) cents; Dravo-Doyle Co., for bushings, etc., one hundred and eighty-four (184) dollars and fifty (50) cents; Pyramid Paint Co., for paint, etc., seventy-four (74) dollars and twenty-four (24) cents; Atlantic Refining Co., for oil, one hundred and thirty-two (132) dollars and nine (9) cents; John Lucas & Co., for glass, two (2) dollars and seventy (70) cents; Union Petroleum Co., for oil, one hundred and thirteen (113) dollars and thirty-five (35) cents; Geo. B. Clopp, for castings, ten (10) dollars and eighty (80) cents; Hoopes & Townsend Co., for bolts, etc., five (5) dollars and seventy (70) cents; E. M. Nichols, for hooks, etc., six (6) dollars and sixty-five (65) cents; Supplee Hardware Co., for hardware, three (3) dollars and sixty (60) cents; Cusack Hardware Co., for charts, two (2) dollars and ten (10) cents; J. E. Fricke Co., for twine, two (2) dollars and ten (10) cents; Maddock & Co., for hardware, twelve (12) dollars; Standard Supply and Equipment Co., for tools, etc., seventy-eight (78) dollars and eighty-nine (89) cents; J. Alfred Clark, for castings, two thousand two hundred and six (2,206) dollars and sixty-nine (69) cents; J. B. Shannon Hardware Co., for hardware, etc., one hundred

and twenty-two (122) dollars; Seltzer-Klahr Hardware Co., for hardware, eight (8) dollars and thirteen (13) cents; Chas. J. Field's Sons, for hardware, etc., three hundred and forty-six (346) dollars and thirty-eight (38) cents; Henry R. Worthington, for meter seals, forty (40) dollars; Simmons Hardware Co., for washers, nine (9) dollars and two (2) cents; De Zouche, Hanson & Co., for dies, ten (10) dollars and twenty-three (23) cents; J. J. Shannon & Co., for hardware, twenty-three (23) dollars; France Packing Co., for packing, sixty-four (64) dollars and eighty (80) cents; United and Globe Rubber Mfg. Co., for hose, forty-three (43) dollars and twenty (20) cents; Cancos Packing Co., for packing, twenty-two (22) dollars and thirty-one (31) cents; Double Service Packing Co., for packing, sixty (60) dollars; R. Levick's Sons & Co., for gum coats, thirty-two (32) dollars and forty (40) cents; Harper Mfg. Co., for packing, sixty-five (65) dollars; Clement-Restein Co., for packing, one hundred and eighty-eight (188) dollars and forty (40) cents; Crandall Packing Co., for valves, sixty-five (65) dollars and sixty-five (65) cents; Jas. Boyd & Bro., Inc., for couplings, twenty-four (24) dollars and sixty (60) cents; Pennsylvania Flexible Tubing Co., for tubing, etc. (1911), fifty-seven (57) dollars; Revere Rubber Co., for tubing, two (2) dollars and fifty (50) cents; W. H. & G. W. Allen, for boilers, three (3) dollars and fifty (50) cents; Alfred Lowry & Bro., for soap powder, one (1) dollar and five (5) cents; J. M. Vance Hardware Co., for chalk, thirty-two (32) cents; J. Steinberg, for brushes, three (3) dollars and sixty-nine (69) cents; Iszard-Warren Co., Inc., for paper, six (6) dollars and fifty (50) cents; Smith, Kline & French Co., for alcohol, etc., four (4) dollars; Swift & Co., for soap, nine (9) dollars; S. S. White Dental Mfg. Co., for oxygen gas, etc., thirty (30) dollars; Jas. Hunter, for soap powder, two (2) dollars and twenty-five (25) cents; Watson & Company, for bunting, two (2) dollars and fifty-three (53) cents; The Caloris Co., for flasks, etc., fifteen (15) dollars and seventeen (17) cents; Henry J. Rife, for leather, one hundred (100) dollars and seventy-two (72) cents; Jos.

N. Snellenburg, for brooms, thirty-five (35) dollars and sixty-five (65) cents; Strawbridge & Clothier, for bunting, etc., five (5) dollars and seventy-two (72) cents; Shoemaker & Busch, for liniment, etc., fifty-five (55) dollars and sixty-two (62) cents; Arthur H. Thomas Co., for laboratory supplies, eighty-two (82) dollars and sixty-two (62) cents; Frank T. Dunlap, for soap, two (2) dollars and eighty-eight (88) cents; McArdle & Cooney, for fittings, forty-eight (48) dollars and fifty-four (54) cents; John Maneely, for fittings, sixteen (16) dollars and twenty-five (25) cents; Hunter & Dickson Co., for fittings, eighty-four (84) dollars and eighteen (18) cents; J. J. Fitzgerald & Co., for terra-cotta pipe, one (1) dollar and forty-three (43) cents; Percy A. Marvel, for fire clay, sixty-nine (69) dollars and forty-five (45) cents; Adams & Westlake Co., for castings, twenty-three (23) dollars and twenty-seven (27) cents; McArdle & Cooney, for fittings (1911), sixty (60) dollars and nineteen (19) cents; Paul S. Reeves & Co., for diaphragms, etc., seventy-two (72) dollars and five (5) cents; G. H. Clamer, for castings, eighty-eight (88) dollars and nine (9) cents; Estate of Charles Perkes, for fittings, five (5) dollars; David McMullin, Jr., for forage, one thousand and thirty-eight (1,038) dollars and fifty-seven (57) cents; Morris, Wheeler & Co., for iron, five (5) dollars and seventy-six (76) cents; Belmont Iron Works, for steel, ninety (90) cents; Burrows-Sloan & Co., for iron and steel, one hundred and two (102) dollars and eighty-two (82) cents; W. P. Morris, for steel, six (6) dollars and fifty-seven (57) cents; Jas. Irvin, for brick, sixty-six (66) dollars; Richard P. Bennis, for trap rock, ninety-six (96) dollars and seventy-five (75) cents; Peoples Bros., for bricks, etc., thirty-nine (39) dollars and twenty-two (22) cents; Walker & Kepler, for electrical supplies, eleven (11) dollars and forty (40) cents; Keim Supply Co., for feed bags, twenty (20) dollars; Wm. S. Hansell & Sons, for harness dressings, three (3) dollars and twenty (20) cents; Henry F. Michell Co., for moss, four (4) dollars and fifty (50) cents; J. F. Swan, for tube cleaner, ninety-eight (98) dollars; C. J. Rainer & Co., for strainers,

fifteen (15) dollars: total seven thousand four hundred and twenty-six (7,426) dollars and thirty-seven (37) cents. (Wharves, Docks and Ferries): Bingham Co., for printing, etc., two hundred and three (203) dollars and forty-three (43) cents; John Howarth Co., for steel roller, etc., one (1) dollar and seventy-eight (78) cents; Frank J. Curry, for album, four (4) dollars and eighty (80) cents; John Wanamaker, for furniture, etc., fifty-two (52) dollars and eighty (80) cents; J. D. Barclay & Sons, for furniture, sixty-six (66) dollars and ten (10) cents; Geo. W. Gibbons, for printing, six (6) dollars and twenty-five (25) cents; Del. Ship Supply Co., for groceries, one hundred and forty-three (143) dollars and seventy-nine (79) cents; Bougher & Bishop, for groceries, six hundred and eighty-seven (687) dollars and twenty-four (24) cents; Simon & Dunlap, for vegetables, one hundred and fifty-three (153) dollars and forty-five (45) cents; Jos. N. Snellenburg, for buckets, etc., eleven (11) dollars and twenty-two (22) cents; A. Frosch, for meats, three hundred and six (306) dollars and twenty-five (25) cents; Armour & Co., for meats, one hundred and sixty-one (161) dollars and seventy-seven (77) cents; Feitig & Sons, for fish, etc., thirty-four (34) dollars; A. Salus & Son, for poultry, seventy-six (76) dollars and twenty-one (21) cents; Wilson & Rogers, for meat (1911), one (1) dollar and seventeen (17) cents; Frank X. Mathis, Jr., for meats, two hundred and eighty-seven (287) dollars and seventy-three (73) cents; Union Petroleum Co., for oil, forty-four (44) dollars and forty-four (44) cents; Vacuum Oil Co., for oil (1911), three (3) dollars and fifty (50) cents; Atlantic Refining Co., for oil, one hundred and ninety-three (193) dollars and twenty-eight (28) cents; Textile Supply Co., for canvas, etc., nineteen (19) dollars and ninety-four (94) cents; J. J. Shannon & Co., for hardware, eleven (11) dollars and ninety-seven (97) cents; J. B. Shannon Hardware Co., for rope, twelve (12) dollars and six (6) cents; Quaker City Rubber Co., for hose, twenty-seven (27) dollars; Chas. J. Field's Sons, for hardware, twelve (12) dollars and fifty-four (54) cents; Jos. Dixon Crucible Co., for graphite,

four (4) dollars and eighty (80) cents; Jno. J. McGrath, for waste, fifteen (15) dollars and ninety-nine (99) cents; American Ice Co., for ice, fifty-five (55) dollars and twenty (20) cents; Cusack Hardware Co., for blocks, etc., seventeen (17) dollars and eighty-eight (88) cents; Swift & Co., for soap, eighteen (18) dollars; Revere Rubber Co., for rubber sleeves, three hundred and seventy-eight (378) dollars; Chas. D. Norton Co., for coal, one thousand five hundred and fifty-seven (1,557) dollars and thirty-two (32) cents: total, four thousand five hundred and sixty-nine (4,569) dollars and ninety-one (91) cents. Total for Department, sixty-three thousand two hundred and ninety-seven (63,297) dollars and eighty-two (82) cents.

Mayor: To Item 2 $\frac{1}{2}$, to pay bills as follows: Department of Public Works, Buffalo, N. Y., prepaid express charges in connection with City Planning Exhibition, April, 1911, twenty-one (21) dollars and thirty-eight (38) cents; Kugler's Restaurant Co., meals served to City officials, etc., September 30, 1911, in connection with primary election, two hundred and forty-four (244) dollars and five (5) cents; J. J. Habermehl's Sons, hire of palms and bay trees, May 15 to June 15, 1911, in connection with City Planning Exhibition, two hundred and fifty (250) dollars; J. J. Hebermehl's Sons, hire of aucubas and arbor vitae, May 15 to June 15, 1911, in connection with City Planning Exhibition, three hundred and fifty (350) dollars; American Taxicab Co., for automobile hire, one thousand three hundred and sixty-six (1,366) dollars; American Garage and Machine Shop, for automobile repairs and storage, seven hundred and nineteen (719) dollars and seventeen (17) cents; Locust Auto Supply Co., for automobile supplies, six hundred and two (602) dollars and sixty-five (65) cents; Cyrus D. Foss, Jr., amount paid for traveling expenses of F. W. Ballard, from Cleveland to Philadelphia, December 26, 1912, for a trip made on public business at request of the Mayor, thirty-three (33) dollars, to pay bill of A. Frank Bergery, for music furnished Travelers' Protective Association of America, June 12, 1911, two hundred and sixteen (216) dollars,

and to refund to the Masonic Hall Association of Manayunk money paid twice for a license, twenty-five (25) dollars; total, three thousand eight hundred and twenty-seven (3,827) dollars and twenty-five (25) cents.

County Commissioners: To Item 2½, to pay bills as follows: For the support of prisoners in Eastern Pennsylvania, nine thousand seven hundred and twenty-one (9,721) dollars and forty-eight (48) cents; Industrial Reformatory, Huntingdon, one thousand two hundred and seventy-five (1,275) dollars and thirty-two (32) cents, out of which the funeral expenses, thirty (30) dollars, of Albert Durner shall be paid; State Hospital for Insane, Danville, two (2) dollars and fifty-six (56) cents; children committed from Philadelphia County to industrial schools (juvenile support), viz.: The Children's Aid Society, one thousand and sixty-four (1,064) dollars and thirty-one (31) cents; Juvenile Aid Society, four hundred and ninety-six (496) dollars and fifty-nine (59) cents; Industrial Home for Jewish Girls, sixty-seven (67) dollars and twenty-one (21) cents; Pennsylvania Industrial School for Colored Children, twenty-six (26) dollars and fifty-four (54) cents; The Pennsylvania Society for Prevention of Cruelty to Children, one thousand and two (1,002) dollars and eighty-four (84) cents, and to pay bill of the Thomas W. Price Co., for paper, etc., for Common Pleas Court No. 2, three hundred and eleven (311) dollars; total, thirteen thousand nine hundred and sixty-seven (13,967) dollars and eighty-five (85) cents.

Civil Service Commission: To Item 2½, to pay bills as follows: Albert Anderman, for stationary, forty-seven (47) dollars and thirty (30) cents; The Red Cross Antiseptic Mouth Piece Company, rent of mouth pieces, seven (7) dollars and twenty (20) cents; N. Snellenburg & Company, storage and cleaning of rugs, three (3) dollars; E. C. Rahme, daily newspapers, two (2) dollars and sixty (60) cents; George R. Logan, Jr., 100 rolls No. 2 Brownie films for photographing patrolmen, firemen, etc., twenty (20) dollars; Library Bureau, correspondence cabinet, thirty-nine (39) dollars; McCann Brothers' Ice Company, ice, during October, November and December, fourteen

(14) dollars and sixty (60) cents; Philadelphia Toilet and Laundry Company, towel service, July to December 31, 1911, twenty-four (24) dollars; total, one hundred and fifty-seven (157) dollars and seventy (70) cents.

District Attorney: To Item 2 $\frac{1}{2}$, to pay bills as follows: For services rendered as experts, Dr. George H. Meeker, three thousand (3,000) dollars; Dr. J. C. Attix, one thousand seven hundred and fifty (1,750) dollars; and Dr. Horatio C. Wood, Jr., two hundred (200) dollars; total, four thousand nine hundred and fifty (4,950) dollars.

Prothonotary: To Item 2 $\frac{1}{2}$, to pay bills as follows: John R. McFetridge & Sons, printing proposals, etc., eight (8) dollars and seventy-one (71) cents; L. C. Blundin Co., electric lamps, six (6) dollars and eighty-four (84) cents; A. Pomerantz & Co., stationery, etc., five (5) dollars and forty-eight (48) cents; Deemer & Jaisohn, waste baskets, four (4) dollars and fifty (50) cents; Dunlap Printing Co., printing blanks, books, etc., seven hundred and twelve (712) dollars and ninety-one (91) cents; John Wanamaker, storing and hanging curtains, twelve (12) dollars; Thomas W. Price Co., for paper, etc., supplied to the Orphans' Court, nine hundred and seventy-nine (979) dollars and forty-five (45) cents; total, one thousand seven hundred and twenty-nine (1,729) dollars and eighty-nine (89) cents.

Recorder of Deeds: To Item 2 $\frac{1}{2}$, to pay bills as follows: The Imperial Electric Company, for mazda lamps, forty-nine (49) dollars and eighty-nine (89) cents; The Walker, Kepler Co., for electrical supplies, two hundred and seven (207) dollars and forty-one (41) cents; and the McCann Ice Company, for ice, sixteen (16) dollars and twenty-five (25) cents; total, two hundred and seventy-three (273) dollars and fifty-five (55) cents.

Board of Recreation: To Item 2 $\frac{1}{2}$, to pay bills as follows: Disston Water Company, for supply of water furnished the Disston Playground, Tacony, during 1912, seventy-five (75) dollars; Philadelphia Electric Company, for arc lighting of Happy Hollow Playground, German-

town, during the month of July, 1912, sixty (60) dollars and seventy-eight (78) cents; American Taxicab Company, for hire of vehicles in 1912, thirty-five (35) dollars and twenty (20) cents; total, one hundred and seventy (170) dollars and ninety-eight (98) cents.

I hereby approve this ordinance, excepting the following items: Department of Public Works (Bureau of Surveys): To Item 2½, to pay bill of P. J. & James S. Brady, for construction of sewer in Belmar street, east of Fifty-eighth street, in front of property of the Philadelphia Mission and Church Extension Society of the Methodist Episcopal Church, one hundred and seventy-seven (177) dollars. (Bureau of Water): To Item 2½, to pay bills as follows: D. B. Fitzpatrick, for professional services, four (4) dollars; Ashcroft Manufacturing Company, for gauges, six (6) dollars; Philadelphia and Reading Railway Company, for transportation, ten (10) dollars and five (5) cents; Philadelphia and Reading Railway Company, for supporting tracks, sixteen (16) dollars and nineteen (19) cents; Philadelphia and Reading Railway Company, for demurrage, nineteen (19) dollars; Harrison Safety Boiler Company, for repairs to boilers, twenty-eight (28) dollars and seventy-five (75) cents; Dravo-Doyle Company, for repairs to turbines, one hundred and forty-one (141) dollars and ninety-four (94) cents; Electric Bleaching Gas Company, for liquid chlorine, eighty-eight (88) dollars and ninety-two (92) cents.

Also, reducing the bill of P. J. & James T. Whelan, for laying water pipe in Belmar street, east of Fifty-eighth street, in front of property of the Philadelphia Mission and Church Extension Society of the Methodist Episcopal Church, from one hundred (100) dollars to fifty (50) dollars.

Mayor: To Item 2½, to pay the following bill: Kugler's Restaurant Company, meals served to City officials, etc., September 30, 1911, in connection with primary election, two hundred and forty-four (244) dollars and five (5)

cents. Also, reducing the following bills: American Taxicab Company, for automobile hire, from one thousand three hundred and sixty-six (1,366) dollars, to nine hundred and sixty-six (966) dollars; American Garage and Machine Shop, for automobile repairs and storage, from seven hundred and nineteen (719) dollars and seventeen (17) cents, to six hundred and nineteen (619) dollars and seventeen (17) cents; Locust Auto Supply Company, for automobile supplies, from six hundred and two (602) dollars and sixty-five (65) cents, to five hundred and fourteen (514) dollars and eighty-three (83) cents.

By reason thereof reducing the amount of the appropriation to the Department of Public Works (Bureau of Surveys) from two hundred and twenty-three (223) dollars and forty-eight (48) cents, to forty-six (46) dollars and forty-eight (48) cents. (Bureau of Water) from one thousand (1,000) dollars and sixty-nine (69) cents to six hundred and thirty-five (635) dollars and eighty-four (84) cents. Also, reducing the total appropriations to the Department of Public Works from twenty-one thousand seven hundred and thirty-five (21,735) dollars and seventy-three (73) cents, to twenty-one thousand one hundred and ninety-three (21,193) dollars and eighty-eight (88) cents.

Also, reducing the total appropriation to the Mayor, from three thousand eight hundred and twenty-seven (3,827) dollars and twenty-five (25) cents, to two thousand nine hundred and ninety-five (2,995) dollars and thirty-eight (38) cents. And reducing the total amount appropriated in this ordinance from one hundred and thirty-seven thousand four hundred and seventy-three (137,473) dollars and twelve (12) cents, to one hundred and thirty-six thousand and ninety-nine (136,099) dollars and forty (40) cents.

Approved the sixteenth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize a revision of the lines and grades of Broad street, from Oregon avenue to Government avenue, and to revise the lines and grades of streets bounding the Plaza situated between Thirteenth street, Fifteenth street, Bigler street and Oregon avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Broad street, from Oregon avenue to Government avenue, and to revise the lines and grades of the streets bounding the Plaza situated between Thirteenth street, Fifteenth street, Bigler street and Oregon avenue.

Approved the twenty-ninth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

 AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety and Public Works, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety and Public Works, for the year 1913, viz.: Department of Public Safety (Electrical Bureau): From Item 14 (c), for salaries of apprentices, three thousand two hundred and forty (3,240) dollars. Department of Public Works (Bureau of City Property): From Item 14 (a), for attendants at public toilet rooms, sixteen (16) dollars and twenty (20)

cents; to the following: Department of Public Safety (Electrical Bureau): To Item 14 (c), to provide for two first year apprentices, at the rate of three hundred and sixty (360) dollars per annum; two second year apprentices, at the rate of five hundred and forty (540) dollars per annum each; and two third year apprentices, at the rate of seven hundred and twenty (720) dollars each per annum; total, three thousand two hundred and forty (3,240) dollars. Department of Public Works (Bureau of City Property): To Item 14 (a), to pay two attendants (male) at public toilet rooms in squares money due them for wages in January, sixteen (16) dollars and twenty (20) cents.

Approved the twenty-ninth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Confirming the sale of property No. 615 Passyunk avenue, in the Fourth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sale of property by Samuel T. Freeman & Co., auctioneers, on July 10, 1912, viz.: 615 Passyunk avenue, bounded and described as follows: All that certain lot or piece of ground, with the improvements thereon erected, situate on the east side of Passyunk avenue at the distance of one hundred and fifteen (115) feet four and three-quarters ($4\frac{3}{4}$) inches southward from the south side of South street, in the Fourth Ward of the City of Philadelphia; containing in front or breadth on the said Passyunk avenue twenty (20) feet, and in depth seventy-five (75) feet, for the price or sum of three thousand seven hundred and

seventy-five (3,775) dollars, less the charges of the auctioneers, to Bernard J. Schad, be, and the same is hereby confirmed.

Approved the twenty-ninth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To transfer the public bath houses from the Department of Public Works (Bureau of City Property) to the Department of Recreation (Board of Recreation), and to authorize certain transfers in the annual appropriations to the Departments of Public Safety, Public Works and Board of Recreation.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the custody and control of the public bath houses, with all appliances and appurtenances connected therewith, now under the jurisdiction of the Department of Public Works (Bureau of City Property) be, and the same are hereby transferred to the Department of Recreation (Board of Recreation).

SECT. 2. That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Department of Public Works (Bureau of City Property), for the year 1913, to wit: Bureau of City Property: From Item 14 (Personal services): Salaries, superintendents of public baths, twenty-four (24) at fifty (50) dollars per month each, from June 1 to October 1, seven thousand two hundred (7,200) dollars; from Item 17e (Services other than personal): Repairs and other expenses to City bath houses, two thousand (2,000) dollars; to the Board of Recreation: Item 1, salaries, superintendents of public baths, twenty-four (24) at fifty

(50) dollars per month each, from June 1 to October 1, seven thousand two hundred (7,200) dollars; to Item 4, maintenance, repairs and other expenses to City bath houses, two thousand (2,000) dollars.

SECT. 3. That the City Controller be, and he is hereby authorized and directed to transfer the balance standing to the credit of 1912 Item 7½ (loan), Department of Public Safety (Bureau of City Property), to the Department of Recreation (Board of Recreation).

SECT. 4. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-ninth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing certain certain transfers in the annual appropriation to the Department of Wharves, Docks and Ferries, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriation to the Department of Wharves, Docks and Ferries, for the years 1913: From Item 111 (loan), for making necessary repairs to the sub and superstructure of Race Street Pier, replacing decking with suitable creosoted wood blocks, etc., nine thousand two hundred and twenty-three (9,223) dollars and forty-one (41) cents; from Item 112 (loan), for making necessary repairs to sub and superstructure of Arch Street Pier, replacing decking with suitable creosoted wood blocks, etc., sixteen thousand and ninety-six (16,096) dollars and seventy-three (73) cents. To Item 111 (loan) (new), for repairs, alterations and extensions to

City wharves, bulkheads, landings and recreation piers, twenty-five thousand three hundred and twenty (25,320) dollars and fourteen (14) cents.

Approved the twenty-ninth day of April, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To appropriate the sum of seven million (7,000,000) dollars out of loan authorized by ordinance approved February 25, 1913, to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Commissioners of Fairmount Park, City Treasurer and Board of Recreation.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seven million (7,000,000) dollars out of loan authorized by ordinance approved February 25, 1913, be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Commissioners of Fairmount Park, City Treasurer and Board of Recreation, viz.:

Department of Public Works (Bureau of Surveys): To Item 130 (loan), for the construction of such main sewers as Councils shall hereafter authorize, four hundred thousand (400,000) dollars; to Item 131 (loan), for the construction of such branch sewers as Councils shall hereafter authorize, four hundred thousand (400,000) dollars; to Item 132 (loan), for the erection of such new bridges as Councils shall hereafter authorize, two hundred thousand (200,000) dollars; to Item 133 (loan), for such improvement of South Delaware avenue as Councils shall hereafter authorize, two hundred and fifty thou-

sand (250,000) dollars. Bureau of Highways: To Item 130 (loan), for the grading of such streets as Councils shall hereafter authorize, six hundred thousand (600,000) dollars; to Item 131 (loan), for paving intersections and in front of unassessable property, one hundred and fifty thousand (150,000) dollars; to Item 132 (loan), for resurfacing asphalt streets, five hundred thousand (500,000) dollars; to Item 133 (loan), for the improvement of such country roads as Councils shall hereafter authorize, three hundred thousand (300,000) dollars; to Item 134 (loan), for repairs to streets, two hundred thousand (200,000) dollars. Bureau of Water: To Item 130 (loan), for improvement of the water supply of West Philadelphia, three hundred thousand (300,000) dollars.

Department of Public Safety (Bureau of Fire): To Item 130 (loan), for the erection of such new and the improvement of existing police and fire stations as Councils shall hereafter authorize, two hundred thousand (200,000) dollars; to Item 131 (loan), for the erection of a machine shop, fifty thousand (50,000) dollars.

Department of Public Health and Charities (Bureau of Health): To Item 130 (loan), for the acquisition of such land and the construction of buildings for the Philadelphia Hospital for Contagious Diseases and the Home for the Indigent as Councils shall hereafter authorize, two hundred and fifty thousand (250,000) dollars.

Department of Wharves, Docks and Ferries: To Item 130 (loan), for the acquisition of such land for harbor improvements and the construction of wharves, etc., as Councils shall hereafter authorize, one million six hundred thousand (1,600,000) dollars.

Department of Supplies (Safety, Fire): To Item 130 (loan), for the purchase of such new apparatus as Councils shall hereafter authorize, one hundred thousand (100,000) dollars.

Commissioners of Fairmount Park: To Item 130 (loan), for such improvement of Fairmount and other

parks as Councils shall hereafter authorize, five hundred thousand (500,000) dollars.

City Treasurer: To Item 130 (loan), for the payment of mandamuses, nine hundred thousand (900,000) dollars.

Board of Recreation: To Item 130' (loan), for the purchase and development of such children's playgrounds as Councils shall hereafter authorize, one hundred thousand (100,000) dollars.

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OFFICE OF CLERK OF COMMON COUNCIL.

Philadelphia, May 2, 1913.

This is to certify that the ordinance entitled "An Ordinance to appropriate the sum of seven million (7,000,000) dollars out of loan authorized by ordinance approved February 25, 1913, to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Commissioners of Fairmount Park, City Treasurer and Board of Recreation," was presented to the Mayor on the nineteenth day of April, 1913, and was not returned at a meeting of Councils held ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly, approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

AN ORDINANCE

To authorize the laying of water pipe in Ainslie, Allison, Bambrey, Berks, Camac, Collins, Darien, Delphine, Eighth, Eleanor, Fifty-second, Fifty-sixth, Filbert, Fillmore, Fox, Gates, Gross, Harvey, Marvine, Nicholas, Nippon, Penn, Sherman, Sixty-first, Stillman, Stokley, Toronto, Turner and Warnock streets, Coleman, Fishers, Somerville and Wagner avenues, Rosemont lane and Cobbs Creek Parkway.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Ainslie street, from Henry to Vaux street; Allison street, from Spruce to Pine street; Bambrey street, from Twenty-fifth to Twenty-sixth street; Berks street, from Fifty-fourth to Fifty-seventh street; Camac street, from Wingohocking to Courtland street, and from Fishers avenue to Somerville avenue; Collins street, from Willard to Westmoreland street; Darien street, from Hunting Park avenue to Bristol street; Delphine street, from Third to Fifth street; Eighth street, from Wyoming avenue to the Boulevard; Eleanor street, from York road to Thirteenth street; Fifty-second street, from Overbrook avenue to City avenue; Fifty-sixth street, from Lebanon avenue to Berks street; Filbert street, from Forty-second street to two hundred and forty-one feet west; Fillmore street, from Castor road to the Boulevard; Fox street, from Twenty-second street to Allegheny avenue; Gates street, from Ridge avenue to Park Line; Gross street, from Jefferson street to Malvern avenue; Harvey street, from Ridge avenue to Manayunk avenue; Marvine street, from Wingohocking to Courtland street; Nicholas street, from Twenty-ninth to Thirtieth street; Nippon street, from Lincoln avenue to Charlton street; Penn street, from Henry to Vaux street; Sherman street, from Pomona street to Washington lane; Sixty-first street, from Baltimore avenue to Cobbs Creek Parkway; Stillman street, from Twenty-fifth to Twenty-sixth street; Stokley street, from Hunting Park avenue to Abbottsford avenue; Toronto street, from Sixteenth to Seventeenth street; Turner street,

from Twenty-ninth to Thirtieth street; Warnock street, from Wingohocking to Courtland street; Coleman avenue, from Fifty-fourth to Fifty-sixth street; Fishers avenue, from Second to Fifth street; Somerville avenue, from Third to American street; Wagner avenue, from Tenth to Twelfth street; Rosemont lane, from Sherman street to the off-set in Sherman street; Cobbs Creek Parkway, from Baltimore avenue to Sixtieth street.

Approved the seventh day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To change the location of electric lights in various wards.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Safety (Electrical Bureau) be, and is hereby authorized and directed to change the location of the following electric lights: From Lehigh avenue and Emery street to Belgrade street and Lehigh avenue; from Fifty-second street and Susquehanna avenue to Fifty-fourth street and Susquehanna avenue; from Georges lane and Susquehanna avenue to Fifty-first street and Susquehanna avenue; from the rear of Norris street, east of Twenty-fifth street, to Sedgley avenue, between Twenty-eighth street and Ridge avenue; from Uber and Pearl streets to Wood street, between Eighteenth and Nineteenth streets; from Fishers lane and Ruscomb street to Twentieth and Ruscomb streets; duplicate from Eleventh and Cherry streets to Franklin street, north of Race street; from Walnut street, between Forty-third and Forty-fourth streets, to Ardleigh street, south of Price street; from Hoffman avenue, east of Fifty-eighth street, to Fifty-ninth street and Whitby avenue.

Approved the seventh day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend ordinance entitled "An Ordinance to make an appropriation to the Inspectors of the County Prisons, for the year 1913."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 2, Item 6. of ordinance entitled "An Ordinance to make an appropriation to the Inspectors of the County Prisons, for the year 1913," be, and the same is hereby amended by striking out the words "The construction of five cells for consumptives," and inserting in lieu thereof the words "for repairs and improvements and for materials therefor."

Approved the ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the cancellation of the two bonds and the release of the surety thereon of the Baltimore and Philadelphia Railroad Company with the American Surety Company, of New York, as surety, given under Sections 3 and 7, respectively, of the ordinance approved July 3, 1885, and the substitution of certain other bonds.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and requested to cancel the bonds and release the surety thereon of the Baltimore and Philadelphia Railroad Company for \$30,000 and \$10,000, respectively, with the American Surety Company, of New York, as surety, each dated the eighteenth

day of November, 1885, given respectively under Sections 3 and 7 of ordinance approved July 3, 1885, and approved by ordinance approved the eighth day of December, 1885: *Provided*, That before such cancellation the Baltimore and Philadelphia Railroad Company shall file with the City Solicitor, as a substitute therefor, its own bonds with the Baltimore and Ohio Railroad Company as surety, in the form, in the amount and with all the conditions of the bond hereby authorized to be cancelled.

Approved the ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the cancellation of the three bonds and the release of the surety thereon of the Schuylkill River East Side Railroad Company with the American Surety Company, of New York, as surety, given under Sections 5, 11 and 14, respectively, of the ordinance approved July 3, 1885, and the substitution of certain other bonds.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and requested to cancel the three bonds and release the surety thereon of the Schuylkill River East Side Railroad Company for \$125,000, \$20,000 and \$20,000, respectively, with the American Surety Company, of New York, as surety, each dated the nineteenth day of November, 1885, given respectively under Sections 5, 11 and 14 of the ordinance approved July 3, 1885, and approved by ordinance dated the eighth day of December, 1885: *Provided*, That before such cancellation the Schuylkill River East Side Railroad Company shall file with the City Solicitor, as a substitute

therefor, its own bonds, with the Baltimore and Ohio Railroad Company as surety, in the form, in the amount and with all the conditions of the bonds hereby authorized to be cancelled.

Approved the ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To change the character of paving authorized to be laid on Delmar street, from Ridge avenue to Tibbon street, and on Marple street, from Ridge avenue to Pechin street; on York road, from the Boulevard to Courtland street, and on Thirteenth street, from Wingohocking to Courtland street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to change the character of paving authorized to be laid on Delmar street, from Ridge avenue to Tibbon street, by ordinance approved May 16, 1912, from asphalt to vitrified brick; on Markle street, from Ridge avenue to Pechin street, by ordinance approved April 4, 1900, from granite blocks to vitrified brick; on York road, from the Boulevard to Courtland street, by ordinance approved May 10, 1911, from asphalt to vitrified brick, and on Thirteenth street, from Wingohocking to Courtland street, by ordinance approved May 16, 1912, from asphalt to vitrified brick.

Approved the ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the Department of Public Works and City Commissioners, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Department of Public Works and City Commissioners, for the year 1913, viz.: Department of Public Works (Bureau of Highways): From Item 96, being unused balance of loan for repaving Market street with wood blocks, nine thousand three hundred and eighty-two (9,382) dollars and ninety-five (95) cents, to Item 96, loan, for repairs to wood block pavement on Market street; City Commissioners: From Item 125, being balance of loan for construction and maintenance of House of Detention, one thousand four hundred and fifty (1,450) dollars and three (3) cents, to Item 127, loan, for maintenance and improvements.

Approved the ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan American, Annsbury, Bambrey, Stillman, Coleman, Fillmore, Gratz, Keyser, Knox, Nicholas, Turner, Philip, Raymond, Salter, Sheridan, Winton and Wishart streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to place on the City plan American street, of the width of forty feet, from Duncannon avenue to Fishers avenue; Anns-

bury street, of the width of forty feet, from Eleventh to Twelfth street; Bambrey and Stillman streets, each of the width of forty feet, from Indiana avenue to Clearfield street; Coleman street, of the width of seventy feet, from Fifty-fourth to Fifty-sixth street; Fillmore street, of the width of fifty feet, from Castor road to the Boulevard; Gratz street, of the width of forty feet, from Godfrey avenue to Cheltenham avenue; Keyser street, of the width of forty feet, from Logan to Loudon street; Knox street, of the width of fifty feet, from Logan to Loudon street; Nicholas and Turner streets, each of the width of forty feet, from Twenty-ninth to Thirtieth street; Philip street, of the width of thirty feet, from Snyder avenue to Jackson street; Raymond street, of the width of forty feet, from Fourth to Fifth street; Salter street, of the width of twelve feet, from Third street westward about one hundred and eighty-four feet to the dead end; Sheridan street, of the width of fourteen feet, from Washington avenue southward about one hundred and seventy-one feet; Winton street, of the width of thirty-two feet, from Ninth to Tenth street; Wishart street, of the width of forty feet, from Mascher to Howard street: *Provided*, That before said Annsbury, Bambrey, Stillman, Coleman, Fillmore, Keyser, Knox, Nicholas, Turner, Raymond and Wishart streets shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing said streets on the plan and their subsequent opening to the confirmed lines and grades: *And provided*, That before Philip, Salter, Sheridan and Winton streets shall be placed on the plan, satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that the said streets have been open and in continuous public use for a period of at least twenty-one years; before said American street shall be placed on the plan the bed of the same shall be dedicated to the City and the owners of property on both sides of said street, from Duncannon avenue northward two hundred

and fifty feet, shall file an agreement, satisfactory to the City Solicitor, to pay for the street improvements in front of their property when they shall be made; and before said Gratz street shall be placed on the plan the Provident Life and Trust Company shall dedicate so much of the bed of said street as is owned by it.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of parts of City Plans Nos. 224 and 226, in the Thirty-third Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of streets upon those portions of City Plans 224 and 226, bounded by Third street, Rising Sun avenue, Bristol street, Whitaker avenue, Erie avenue and Butler street, in the Thirty-third Ward.

Approved the thirteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit Walter M. Engle to erect and maintain a clock on the sidewalk in front of his property, 4233 Lancaster avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and

is hereby granted to Walter M. Engle to erect and maintain a clock, with a dial not exceeding thirty-six inches, on the sidewalk in front of his property, 4233 Lancaster avenue. The said clock shall be erected under the supervision and to the satisfaction of the Department of Public Works, and shall have no advertisement other than the name thereon, and shall be removed at any time upon the passage of an ordinance to that effect: *Provided*, That said Walter M. Engle first pay the sum of fifty (50) dollars into the City Treasury for the publication of this ordinance.

Approved the thirteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan the Parkway so far as it affects a certain property occupied by the Niles-Bement-Pond Company, corner Twenty-first and Callowhill streets, and to repeal all ordinances or parts of ordinances inconsistent therewith, so far only as they affect said property.

WHEREAS, By sundry ordinances of Councils heretofore enacted and approved, the northeast line of the Parkway, extending from Logan Square to Fairmount Park, as at present plotted upon the City plan, includes and takes a portion of the property at the northeast corner of Twenty-first and Callowhill streets, known as the Bement-Niles property, owned by the Niles-Bement-Pond Company;

AND WHEREAS, By ordinance of Councils approved October 13, 1906, the opening of said Parkway was authorized and directed, and included in such opening and taking was the said property;

AND WHEREAS, Said property is not now required for the purposes of said Parkway; now, therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan the Parkway, so far as it affects all that certain lot or piece of ground, with the factory, foundry, machine-shops and buildings thereon erected, known as the Bement-Niles property, situate at the northeast corner of Twenty-first and Callowhill streets, and described as follows, to wit: Beginning at a point, the intersection of the north side of Callowhill street with the east side of Twenty-first street, thence extending eastwardly along the north side of Callowhill street, 181 feet $8\frac{3}{4}$ inches to a point in the northeast line of the Parkway as at present established; thence northwestwardly along said northeast line of the Parkway, as at present established, 231 feet 10 inches and $\frac{5}{8}$ of an inch to a point in the east line of Twenty-first street; thence extending southwardly along the east side of Twenty-first street 145 feet $7\frac{1}{8}$ inches to the north side of Callowhill street, the point and place of beginning.

SECT. 2. That so much of the ordinance approved October 13, 1906, as authorized the taking for public use the property described in Section 1, be, and the same is hereby repealed, and title to said property, so far as the same may have been vested in the City of Philadelphia, is hereby revested in the owners thereof at the time of the approval of said ordinance.

SECT. 3. All ordinances and parts of ordinances inconsistent herewith be, and the same are hereby repealed, so far only as they affect said property.

Approved the thirteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To repeal an ordinance entitled "An Ordinance selecting plot of ground bounded by Olney avenue, Sixth street, Tabor street and North Pennsylvania Railroad, for the health and enjoyment of the people," approved the eighteenth day of August, A. D. 1911.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved the eighteenth day of August, A. D. 1911, entitled "An Ordinance selecting the plot of ground bounded by Olney avenue, Sixth street, Tabor street and North Pennsylvania Railroad, for the health and enjoyment of the people" be, and the same is hereby repealed.

Approved the fifteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Granting permission to the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to lay a double track railway on Olney avenue, from Fifth street east to Rising Sun lane (or Old Second street), connecting with the double tracks on said Rising Sun lane, with all the necessary and convenient curves, switches and connections, and to construct, maintain and operate the overhead trolley system in connection therewith.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, be, and they are hereby authorized to construct a double track railway on Olney avenue, east from Fifth street to Rising Sun lane (or Old Second street), there

connecting with the double tracks on Rising Sun lane, and to construct, maintain and operate the overhead trolley system in connection therewith, with the right to construct and use all necessary and convenient curves, switches, cross-overs and connections. This right is granted subject in all respects to the provisions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company, and said company shall pay into the City Treasury the sum of fifty (50) dollars for the printing of this ordinance.

Approved this fifteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of Fox, Reed, Twenty-sixth, Twenty-seventh and Westmoreland streets and Rising Sun avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into contracts for grading the following streets, with the necessary drains, etc., viz.: Fox street, from Allegheny avenue to Hunting Park avenue; Reed street, from Twenty-seventh to Twenty-ninth street; Twenty-sixth street, from Tasker to Moore street; Twenty-seventh street, from Morris to Moore street; Westmoreland street, from Fox street to Hunting Park avenue; Rising Sun avenue, from Rockland street to Wyoming avenue. The cost of said grading to be taken from Item 128 (loan) out of the appropriation to the Department of Public Works (Bureau of Highways).

Approved the fifteenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment of supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating one hundred and thirty-nine thousand six hundred and ninety-six (139,696) dollars and fifty-three (53) cents for supplies delivered between the awarding and executing of certain contracts, and chargeable against certain items as follows: Department of Supplies (Mayor): Item 5, Frank F. Mathers, for coal, two hundred and fifty-eight (258) dollars and seventy-eight (78) cents; W. C. Kirk & Company, for coal, sixty (60) dollars; Walter C. Shipley, for coal, fifty-nine (59) dollars and sixty-four (64) cents; Robert Henderson & Company, for coal, one hundred and forty-five (145) dollars and forty-six (46) cents; Item 7, The Philadelphia and Reading Coal and Iron Co., for coal, three hundred and seventy-six (376) dollars and seventy-four (74) cents; Item 8, The Philadelphia and Reading Coal and Iron Co., for coal, three hundred and seventy-six (376) dollars and ninety-one (91) cents. (Safety): Item 2, Roesch Packing Co., for meats, two thousand three hundred and sixty-six (2,366) dollars and twenty-three (23) cents; Andrew Frosch, for meats, one thousand seven hundred and three (1,703) dollars and sixty-five (65) cents; M. E. Benner & Company, for fish, three hundred and twenty-three (323) dollars and seventy (70) cents; M. P. Howlett, for fish and oysters, fifty-four (54) dollars and sixteen (16) cents; Item 3, Alfred Lowry & Brother, for groceries, two hundred and ninety-nine (299) dollars and thirty (30) cents; Item 4, Robert Henderson & Company, for coal, three thousand and fifty-two (3,052) dollars and forty-one (41) cents; Weston, Dodson & Company, Inc.,

for coal, two thousand three hundred and forty-five (2,345) dollars and twenty-six (26) cents; John C. Hancock & Company, for coal, four thousand and sixty (4,060) dollars and ninety-three (93) cents; McKee & Company, for coal, twelve thousand five hundred and one (12,501) dollars and eighty-five (85) cents; W. C. Kirk & Co., for coal, one hundred and forty-seven (147) dollars and seventy-five (75) cents; Frank F. Mathers, for coal, one hundred and eighty-six (186) dollars and fourteen (14) cents; Walter C. Shipley, for coal, one hundred and fifty-nine (159) dollars and thirty-eight (38) cents; John C. Hancock & Company, for wood, one hundred and fifty-seven (157) dollars and fifty (50) cents.

(Health and Charities): Item 2, John A. Barry, for milk and cream, five thousand eight hundred and thirty (5,830) dollars and twenty-five (25) cents; Samuel Shapiro, for milk and cream, one hundred and seventy-nine (179) dollars and ninety-four (94) cents; Wills-Jones-McEwen Company, for milk and cream, one thousand two hundred and fifty-four (1,254) dollars and thirty-six (36) cents; Item 3, Andrew Frosch, for hams, six hundred and twenty-four (624) dollars and fifty-six (56) cents; John Kienzle, for onions, three hundred and four (304) dollars and eighty-five (85) cents; M. P. Howlett, for fish, etc., one thousand three hundred and fifty (1,350) dollars and sixty-four (64) cents; Roesch Packing Co., for meats, etc., one thousand two hundred and fourteen (1,214) dollars and thirty-four (34) cents; Charles B. Herfurth, for fish, etc., one thousand seven hundred and eighty-eight (1,788) dollars and eighty-three (83) cents; Kirk, Foster & Company, for mackerel, one hundred and twenty (120) dollars; A. Salus & Son, for meats, etc., one thousand eight hundred and eighty-three (1,883) dollars and thirty-three (33) cents; D. B. Martin Company, for meats, twelve thousand four hundred and thirty (12,430) dollars and seventy-eight (78) cents; Item 4, C. F. Bonsor & Company, Inc., for groceries, five hundred and three (503) dollars and seventy-five (75) cents; The Fleischmann Company, for yeast, one hundred and eighty (180) dollars; Alfred Lowry & Brother, for groceries, three

thousand four hundred and seventy (3,470) dollars and nineteen (19) cents; Philip Hoffman, for eggs, three thousand and ninety-seven (3,097) dollars and twenty-four (24) cents; Kirk, Foster & Company, for groceries, three thousand eight hundred and sixty (3,860) dollars and thirty-three (33) cents; Francis H. Leggett & Company, for groceries, fifty-nine (59) dollars and six (6) cents; Roesch Packing Company, for lard, four hundred and eighty-one (481) dollars and forty-three (43) cents; Edson Brothers, for butter, four thousand and ninety-four (4,094) dollars and eighty-eight (88) cents; Kolb's Bakeries, for bread, nine hundred and fifty-three (953) dollars and seventy-five (75) cents; Thomas Roberts & Company, for groceries, seven thousand and eighty-five (7,085) dollars and forty-seven (47) cents; Shanahan Ice Cream Company, for ice cream, seven hundred and fifty-four (754) dollars and eleven (11) cents; Item 6, W. C. Kirk & Company, for coal, nine thousand four hundred and seven (9,407) dollars and twenty-seven (27) cents; McKee & Company, for coal, three thousand two hundred and sixty-six (3,266) dollars and forty-one (41) cents. (Works): Item 2, Henderson Hughes & Company, for coal, two thousand six hundred and fifty-two (2,652) dollars and fifty-four (54) cents; Philadelphia and Reading Coal and Iron Company, for coal, twelve thousand eight hundred and three (12,803) dollars and forty-seven (47) cents; Weston, Dodson & Company, Inc., for coal, eighteen thousand nine hundred and forty-eight (18,948) dollars and eighty-two (82) cents; Frank F. Mathers, for coal, three hundred and forty-four (344) dollars and thirty-eight (38) cents; Robert Henderson & Company, for coal, one thousand four hundred and forty-four (1,444) dollars and fifteen (15) cents; Item 17, General Chemical Company, for hypochloride, four hundred and forty-eight (448) dollars and seventy-three (73) cents; Item 120½ (loan), Weston, Dodson & Company, Inc., for coal, ten thousand and forty-six (10,046) dollars and forty-one (41) cents. (Wharves, Docks and Ferries): Item 2, Bougher & Bishop, for groceries, one hundred and forty-three (143) dollars and thirty (30) cents; Delaware Ship

Supply Company, for groceries, thirty-three (33) dollars and seventeen (17) cents.

Approved the seventeenth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the grades of Lippincott street, from Sixteenth to Seventeenth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the grades of Lippincott street, from Sixteenth to Seventeenth street.

Approved the twentieth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Emancipation Proclamation Committee of Pennsylvania to use plot of ground bounded by Oregon avenue, Thirteenth street, Johnston street and Broad street for a celebration in connection with the Fiftieth Anniversary of the signing of the Emancipation Proclamation, and to erect temporary frame buildings thereon.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Emancipation Proclamation Committee of Pennsylvania to use plot of ground bounded by Oregon avenue, Thirteenth street, Johnston street and Broad street for a celebration in connection with the

Fiftieth Anniversary of the signing of the Emancipation Proclamation, to be held in this City September, 1913.

SECT. 2. That permission be, and is hereby granted to said Committee to erect on said plot of ground suitable buildings in which to hold the said celebration. The said buildings to be erected to the satisfaction of the Departments of Public Works and Public Safety, in accordance with plans to be approved by said Departments, and shall be removed within ninety days after the close of said celebration.

Approved the twentieth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To change the location of an electric light.

SECTION. 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Safety (Electrical Bureau) be, and is hereby directed to change the location of the following electric lights: From State road, south of Pennypack creek to Rhawn and N streets. One lamp from Ontario Park to southeast corner of Eighteenth and Mountain streets.

Approved the twenty-seventh day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To change the names of certain streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to change the

names of the following streets, viz.: Franklin street, between Adams avenue and Pratt street, to Griscom street; Oxford street, between Frankford avenue and the Philadelphia and Trenton Railroad, to Kinsey street; Ludlow street, from Fiftieth to Fifty-first street, to West Ludlow terrace; Cedar street, between Meadow and Cottman streets, to Darrah street; Willow street, between Meadow street and Hartel avenue, to Duffield street; Adams street, between Kensington avenue and Moyer street, to Hagert street; Susquehanna avenue, between Bryn Mawr avenue and Fifty-second street, to Gainor road; Spencer street, from Twentieth street to the Cheltenham and Willow Grove Turnpike, to Church lane.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of bridges on the lines of Tenth street, Eighty-fourth street, G street, Tabor street, Fifty-fifth street and Luzerne street, providing for carrying into effect such authority, and authorizing the Mayor to enter security for damages to private property.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized and directed to enter into contracts for the construction of new bridges, including the work appurtenant thereto, as follows: On the line of Tenth street, under the Tabor Branch of the Philadelphia and Reading Railway: *Provided*, That the Philadelphia and Reading Railway Company shall pay one-half the cost; on the line of Tenth street, under the Philadelphia and Newtown Connecting Railroad, the said railroad company being hereby notified to pay one-half of the cost of the said

bridge, in accordance with ordinance of Councils approved the 9th day of April, 1892, authorizing the Philadelphia and Newtown Connecting Railroad to construct its railroad across and under the streets of the City of Philadelphia; on the line of Eighty-fourth street, over Darby creek, inter-county: *Provided*, That the County of Delaware shall pay one-half the cost; on line of G street, over the Connecting Railway: *Provided*, That the Connecting Railway Company shall pay two-thirds the cost; on the line of Tabor street, over Tacony creek; on the line of Fifty-fifth street, under the Philadelphia and Baltimore Central Railroad, and on line of Luzerne street, over the Oxford Road Branch of the Connecting Railway: *Provided*, That the Connecting Railway Company shall pay fifty-five seventieths of the cost.

SECT. 2. That the following sums be set aside in Item 132 (loan) of the appropriation to the Department of Public Works (Bureau of Surveys) for new bridges: For the bridge on line of Tenth street, under the Tabor Branch of the Philadelphia and Reading Railway, City's share, twenty-five thousand (25,000) dollars; for the bridge on line of Tenth street, under the Philadelphia and Newtown Connecting Railroad, City's share, twenty-five thousand (25,000) dollars; for the bridge on line of Eighty-fourth street, over Darby creek, City's share, thirty thousand (30,000) dollars; for the bridge on line of G street, over the Connecting Railway, City's share, twenty thousand (20,000) dollars; for the bridge on line of Tabor street, over Tacony creek, sixteen thousand five hundred (16,500) dollars; for the bridge on line of Fifty-fifth street, under the Philadelphia and Baltimore Central Railroad, forty-eight thousand (48,000) dollars; and for the bridge on line of Luzerne street, over the Oxford Road Branch of the Connecting Railway, City's share, ten thousand five hundred (10,500) dollars: *Provided*, That in the event of any of the said bridges costing less than the sum herein set aside for its construction, the Director of the Department of Public Works is hereby authorized at his discretion to use the balance or any part thereof for the completion of any of the bridges named herein for which the sum set aside is insufficient.

SECT. 3. That the Director of the Department of Public Works be, and is hereby authorized and directed to advertise for proposals, and to award contracts, as provided in existing ordinances and laws, for the construction of the said bridges and the work appurtenant thereto, in accordance with plans and specifications to be prepared by the Department of Public Works (Bureau of Surveys), and is also authorized to appoint assistants and inspectors as may be requisite, and to pay all expenses for salaries, soundings, inspection, tests, transportation and incidental expenses not otherwise provided for out of the appropriation for the cost of said bridges, and is authorized to join in contract with any persons or corporations in the construction of any of said bridges for which said persons or corporations shall contribute a portion of the cost.

SECT. 4. That the Mayor of the City is hereby authorized and directed to enter security on behalf of the City of Philadelphia for the payment of any damages which may be assessed by reason of the construction of said bridges and the work appurtenant thereto.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of the following main sewers: Algard street, Cobbs Creek intercepting sewer, Fifty-second street, Gunners Run Relief in Indiana street, Hegerman street, J street, Kemble avenue, Ogontz avenue, Reed street, Rock Run sewer in Sixth street, Sanger street, Tulip street, Wingohocking sewer in Annsbury street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and is hereby authorized to enter into contracts for the construction of the following

main sewers: Algard street, from Unruh street to Tyson street, and in Tyson street, from Algard street to stream northwest of Algard street; Cobbs Creek intercepting sewer in Cobbs Creek Park and Parkway, from the present terminus near Catharine street to the present sewer about three hundred feet north of Market street, and between Baltimore avenue and the present sewer about two hundred feet south of Baltimore avenue; Fifty-second street, from present sewer about thirty feet northwest of Paschall avenue to Grays avenue, in Grays avenue, from Fifty-second street to Fifty-first street, and in Fifty-first street, from Grays avenue to the Chester Branch of the Philadelphia and Reading Railway; Gunners Run relief sewer, in Indiana street, from American street to Fifth street; Hegerman street, from Devereaux street to Robbins street; J street, from the present sewer south of Tioga street to Venango street, and in Venango street, from J street to I street; Kemble avenue, from the present sewer north of Chew avenue to the present sewer north of Nedro street; Ogontz avenue, from Chew avenue to Nedro street; Reed street, from present outlet, about two hundred feet west of Schuylkill avenue, to the Bulkhead line and Pierhead line of the Schuylkill river; Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Brookdale street, in Brookdale street, from Sixth street to Seventh street, and in Seventh street, from Brookdale street to the creek north of Chew street; Sanger street, from the Delaware river to Tacony Road; Tulip street, from Cottman street to Bleigh street, in Bleigh street, from Tulip street to Torresdale avenue, in Torresdale avenue, from Bleigh street to Shellmire street, in Shellmire street, from Torresdale avenue to Ditman street, and in Ditman street, from Shellmire street northeast to stream; Wingohocking sewer in Annsbury street, from Fifth to Bodine street.

SECT. 2. The Director of the Department of Public Works shall advertise for proposals and award contracts in accordance with existing laws and ordinances, and plans and specifications prepared by the Department of Public Works. Any excess over assessment of property for the construction of said sewers shall be charged to Item 130,

Loan, for the construction of main sewers, in the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, No such assessment shall be charged for the sewers authorized by this ordinance where the same are built upon undedicated streets, and where the properties are not assessed at full City rates, but no permit shall be issued for the drainage of properties on the line of said sewers until the regular frontage charges shall have been paid. And the following sums are hereby set aside for the construction of the main sewers herein authorized:

Algard street, from Unruh street to Tyson street, and in Tyson street, from Algard street to the stream northwest of Algard street, thirty thousand (30,000) dollars; Cobbs Creek intercepting sewer in Cobbs Creek Park and Parkway, from the present terminus near Catharine street to the present sewer about three hundred (300) feet north of Market street, and between Baltimore avenue and the present sewer about two hundred (200) feet south of Baltimore avenue, fifty thousand (50,000) dollars; Fifty-second street, from present sewer about thirty (30) feet northwest of Paschall avenue to Grays avenue, in Grays avenue, from Fifty-second street to Fifty-first street, and in Fifty-first street, from Grays avenue to the Chester Branch of the Philadelphia and Reading Railway, twenty-five thousand (25,000) dollars; Gunners Run relief sewer in Indiana street, from American street to Fifth street, thirty-five thousand (35,000) dollars; Hegerman street, from Devereaux street to Robbins street, twenty thousand (20,000) dollars; J street, from the present sewer south of Tioga street to Venango street, in Venango street, from J street to I street, twenty-five thousand (25,000) dollars; Kemble avenue, from the present sewer north of Chew avenue to the present sewer north of Nedro street, thirty thousand (30,000) dollars; Ogontz avenue, from Chew avenue to Nedro street, twenty thousand (20,000) dollars; Reed street, from the Bulkhead line to the Pierhead line of the Schuylkill river, ten thousand (10,000) dollars; Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Brookdale street, in Brookdale street, from Sixth street to Seventh street, and in Seventh street, from Brookdale street to the creek north of Chew street, twenty-

five thousand (25,000) dollars; Sanger street, from the Delaware river to State road, thirty thousand (30,000) dollars; Tulip street, from Cottman street to Bleigh street, in Bleigh street, from Tulip street to Torresdale avenue, in Torresdale avenue, from Bleigh street to Shellmire street, in Shellmire street, from Torresdale avenue to Ditman street, and in Ditman street, from Shellmire street northeast to stream, fifty thousand (50,000) dollars; Wingohocking sewer in Annsbury street, from Fifth street to Bodine street, fifty thousand (50,000) dollars.

Provided, That in the event of any of the aforesaid sewers costing less than the sum set aside for its construction, the Director of the Department of Public Works is hereby authorized at his discretion to use any balance of the foregoing amounts, or any part thereof, for the completion of any of the main sewers herein named for which the sums set aside are insufficient: *Provided also*, That the Director of the Department of Public Works is authorized to appoint assistants and inspectors as may be requisite, and pay all expenses for salaries, inspections, borings, transportation and expenses incidental to the work, from the aforesaid item.

SECT. 3. That the Mayor is hereby authorized to enter security, on behalf of the City of Philadelphia, for the payment of any damages by reason of the construction of any of the herein authorized sewers through private property.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of certain sewers, to be paid for out of Item No. 131, seven million dollar loan.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of

Public Works be authorized and directed to enter into contracts for the construction of sewers, viz.: A street, from Westmoreland street to Allegheny avenue; Addison street, from Sixth street to a point about one hundred and sixty-two feet west; Ainslie street, from Vaux to Henry street; Almond street, from Orthodox to Lefevre street; American street, east side, from Master to Jefferson street, east side only to be assessed; American street, from Wharton to Reed street, and from Tabor street to a point about three hundred and twenty-five feet north of Olney avenue; Annsbury street, from Eleventh to Twelfth street; Ardleigh street, from Willow Grove avenue to Moreland street, from Sedgwick to Gorgas street, and from Price street to Cheltenham avenue; Bambrey street, from South to Bainbridge street; Boone street, from Rector to Jamestown street; Bouvier street, from Snyder avenue to McKean street; Bowman street, from Henry to Vaux street; Bristol street, from Eighth to Ninth street; Camac street, from Wingohocking to Courtland street, from Somerville avenue to Fishers avenue, and from North to Melon street; Carpenter street, from Lincoln Drive to Emlen street; Cayuga street, from Sixth to Ninth street; Cedarhurst street, from Fifty-ninth street to Cobbs Creek Parkway; Chadwick street, from Moore to Mifflin street, and from Tasker to Dickinson street; Chew street, from Mascher to Fifth street; Clarkson street, from Third to American street; Clearfield street, from Front to Second street; Clementine street, from Twenty-ninth to Thirtieth street; Cliveden street, from Park Line Drive to Wissahickon avenue; Coleman street, from Fifty-fourth to Fifty-sixth street; Comly street, from east of State Road to the Delaware river; Coulter street, from Warden Drive to McMichael street; Crittenden street, from Cresheim Valley Drive to Gravers Lane; Delhi street, from Christian to Montrose street; Delphine street, from Third to Fifth street; Division street, from Conrad street to a point about four hundred and ninety-five feet northeast; Emerick street, from Miller to Belgrade street; Eighth street, from Cayuga street to Lindley avenue, and from Lycoming to Bristol street; Eleventh street, from Wingohocking to Loudon street, and from Lindley avenue to

Windrim avenue; Fairhill street, from Loudon to Rockland street, and from Montrose to Carpenter street; Fisk street, from Cresson to Dobson street; Fox street, from Twenty-second street to Allegheny avenue, and from P., G. and N. R. R. to Hunting Park avenue; Fowler street, from Hermitage to Fountain street; Franklin street, from Hunting Park avenue to Lycoming street; Front street, from Tioga street to the Connecting Railway, and from Snyder avenue to Jackson street; Fourth street, from Somerville avenue to Tabor street; Fifth street, from Courtland to Tabor street, and from Hunting Park avenue to Bristol street; Fifteenth street, from Fishers Lane to Fishers avenue; Fifty-second street, west side, from Overbrook avenue to Woodbine avenue, west side only to be assessed; Fifty-third street, from Whitby avenue southward to the main sewer; Fifty-fourth street, from Whitby avenue to Willows avenue, and from Trinity street to Springfield avenue; Fifty-fifth street, from Whitby avenue to Willows avenue, and from Woodland avenue to Kingsessing avenue; Fifty-sixth street, from Whitby avenue to Willows avenue, and from Lebanon avenue to Berks street; Fifty-seventh street, from Whitby avenue to Malcolm street, and from Stewart to Haddington street; Fifty-eighth street, from Cobbs Creek Parkway to the Philadelphia and West Chester Railroad, and from Hoffman avenue to Thole street; Fifty-ninth street, from Baltimore avenue to Angora avenue; Gladstone street, from Front to Second street; Greene street, from Hortter street to a point about three hundred and fifty feet southeast; Gross street, from Media street to Lansdowne avenue, and from Jefferson street to Malvern avenue; Hadfield street, from Fifty-third to Fifty-eighth street; Harlan street, from Eighteenth to Nineteenth street; Henry street, from Midvale avenue to School House Lane; Hicks street, from Mifflin to McKean street, and from Dickinson street to a point about one hundred and sixty feet south; Houghton street, from Roxborough avenue to Jamestown street; Howard street, from Snyder avenue to Jackson street; Hutchinson street, from Wolf street to Moyamensing avenue, and from Lindley avenue to Fishers avenue; I street,

from Tioga to Venango street; Jackson street, from Fifth to Sixth street, from Eighth to Ninth street, and from Twentieth to Twenty-second street; Jamestown street, from Boone to Tower street, and from Ridge avenue to Henry street; Jefferson street, from Fifty-ninth to Sixtieth street; Latona street, from Baltimore avenue to Sixtieth street; Lawrence street, from Gerritt to Wilder street, and from Tabor street to Olney avenue; Lee street, from Somerset to Cambria street; Loudon street, from Fifth to Sixth street; Luzerne street, from Thirteenth street to York Road; Malcolm street, from Fifty-third to Fifty-seventh street; Marvine street, from Wingohocking to Courtland street, and from Lindley avenue to Windrim avenue; Mascher street, from Olney avenue to Chew street; McClellan street, from Nineteenth to Twentieth street; Miller street, from Hollingsworth to Emerick street; Mitchell street, from Hermitage to Ripka street; Mole street, from Mifflin street to McKean street, and from Dickinson street to a point about one hundred and sixty feet south; Morris street, from West Logan to Seymour street; Morris street, from Front to Second street; Morris street, south side, from Second street to Moyamensing avenue, south side only to be assessed; Morris street, south side, from Fifth to Sixth street, south side only to be assessed; Morris street, from Sixth to Seventh street; Morris street, south side, from Ninth to Tenth street, south side only to be assessed; Moore street, from Twenty-fourth to Twenty-ninth street; Mount Vernon street, from Thirty-fourth street to about two hundred and thirty feet west; Newkirk street, from Wharton to Dickinson street; Norton street, from Sherman street to the offset in Sherman street; Palethorp street, from Tabor to Chew street; Pallas street, from Haverford avenue to Wallace street; Percy street, from Wolf street to Moyamensing avenue; Philip street, from Snyder avenue to McKean street; Pierce street, from Nineteenth to Twenty-first street; Pike street, from Smedley to Seventeenth street; Queen street, from Delaware avenue to Fourth street; Rector street, from Ridge avenue to Houghton street; Reed street, from Twenty-fifth to Twenty-sixth street; Regent street, from Fifty-fifth to Fifty-sixth street;

Roseberry street, from Front to Second street; Ruscomb street, from Fifteenth to Sixteenth street; Sedgwick street, from Cresheim Valley Drive to German-town avenue; Sepviva street, from Venango street to about three hundred and ten feet northeast; Siegel street, from Nineteenth to Twentieth street; Shedwick street, from Grays Ferry avenue to Wharton street; Sherman street, from Pomona street to Washington Lane; Shunk street, from Twelfth to Broad street; Smick street, from Fountain street to about four hundred feet north; Sydenham street, from Ruscomb street to Fishers Lane; Second street, from Tabor to Chew street, and from Mifflin to McKean street; Sixth street, from Cayuga to Annsbury street; Seventh street, from Cayuga street to Lindley avenue; Seventeenth street, from Butler to Pike street; Sixty-first street, from Baltimore avenue to Cobbs Creek Parkway; Sixty-fourth street, from Media street to Lansdowne avenue; Seventy-first street, from Saybrook avenue to Paschall avenue; Taney street, from Catharine to Fulton street; Tasker street, from Twenty-eighth to Twenty-ninth street; Tioga street, from H to J street, and from Edgemont to Cedar street; Tulpehocken street, from Baynton to Morton street; Third street, from Tabor to Chew street; Tenth street, from Wingohocking to Rockland street, and from Lindley avenue to Fishers avenue; Thirteenth street, reconstruct, from Market to Sansom street; Thirteenth street, from Windrim avenue to Lindley avenue, and from Luzerne to Kerbaugh street; Twentieth street, from Erie avenue to Butler street; Twenty-third street, from Allegheny avenue to Clearfield street; Twenty-sixth street, from Allegheny avenue to Clearfield street, and from Tasker to Moore street; Twenty-seventh street, from Morris to Moore street; Twenty-eighth street, from Reed to Dickinson street, and from Tasker to Moore street; Thirtieth street, from Reed to Tasker street; Thirty-third street, from Reed to Tasker street, and from New Queen street to Queen Lane; Upsal street, from Park Line Drive to Wissahickon avenue and from Greene street to the present sewer southwest of Greene street; Vaux street, from Midvale avenue to School House Lane, and from Bowman to Queen street; Warnock street, from Wingohocking to

Courtland street, and from Lindley avenue to Windrim avenue; Watkins street, from Nineteenth to Twenty-first street; Westmoreland street, from Fox street to Hunting Park avenue; Wingohocking street, from Third to Philip street, and from Sixth to Seventh street; Winton street, from Third to Fourth street; Wittee street, from Venango street to about three hundred and ten feet northeast; Wolf street, from Twenty-third to Twenty-fourth street; Clarkson avenue, from Mascher street to east of Fourth street; Duncannon avenue, from Sixth to Fairhill street, and from Tenth to Eleventh street; Elmwood avenue, from Seventy-third street to Island Road; Fishers avenue, from Ella street to Rising Sun avenue, and from Second to Fifth street; Florence avenue, from Fifty-eighth to Fifty-ninth street; Godfrey avenue, from Twenty-first street to Limekiln Pike; Grays Ferry avenue, from Twenty-fourth to Catharine street; Greenway avenue, from Paxon to Fifty-second street; Hoffman avenue, from Fifty-sixth to Fifty-seventh street; Hunting Park avenue, from Sixth to Marshall street; Hunting Park avenue Extension, from York Road to Bristol street; Olney avenue, from Mascher to Fairhill street; Ogontz avenue, east side, from Medary avenue to Limekiln Pike, east side only to be assessed; Passyunk avenue, from Twenty-third to Twenty-eighth street; Somerville avenue, from American to Sixth street; Torresdale avenue, from Benner to Devereaux street; Wagner avenue, from Olney avenue to Twelfth street; Washington avenue, from Twenty-fourth to Twenty-fifth street; Wellens avenue, from A street to Rising Sun avenue, and from Third to Fourth street; Willow Grove avenue, from Germantown avenue to Seminole street; Willows avenue, from Fifty-fourth to Frazier street, and from Fifty-seventh to Fifty-eighth street; Windrim avenue, from Tenth to Twelfth street; Cobbs Creek Parkway, from Baltimore avenue to Sixtieth street; Island Road, from Grays avenue to Elmwood avenue; Warden Drive, from Midvale avenue to Henry street; School House Lane, from Vaux to Henry street; St. Martins Lane, from Hartwell avenue to about two hundred feet southeast of Gravers lane; Benner street, from Jackson to Erdrick street; Mintzer street, from Brown street to Fairmount avenue; Mercer street, from

Buckius to Lefevre street; Sixty-fifth avenue, from Twenty-first street to Limekiln pike; Sepviva street, from Norris to Berks street, together with the sewers authorized by ordinances approved by the Mayor, June 4, 1912, and July 1, 1912.

SECT. 2. That the Director of the Department of Public Works shall advertise, according to law, announcing that bids will be received for the sewers above authorized, and he shall allot them to the lowest responsible bidders, and it shall be a condition of the said contracts that the contractors shall accept the sums assessed upon the lines of said sewers in manner and form authorized by existing ordinances, and any excess over and above the said assessment, in addition to that provided for by ordinance, shall be charged to Item No. 131, seven million dollar loan, of the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, That in all cases where the property on the lines of the sewers herein authorized is assessed at suburban rates the owners of property shall first file an agreement to pay the regular frontage charges.

SECT. 3. That the Director of the Department of Public Works is authorized to pay for inspections, borings and expenses incidental to the work of constructing said branch sewers, from the item for the construction of branch sewers.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the Department of Wharves, Docks and Ferries and City Treasurer, for the year 1913, to pay the American Dredging Company for dredging done during the year 1911.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller

be, and he is hereby authorized to make the following transfers in the annual appropriations to the Department of Wharves, Docks and Ferries and the City Treasurer, for the year 1913, to pay the American Dredging Company for dredging done during the year 1911, viz.: City Treasurer: From Item 4 (d), for sinking fund on new loans, eight thousand nine hundred and forty-two (8,942) dollars and thirty-six (36) cents, to the Department of Wharves, Docks and Ferries: To Item 2½, for dredging the Delaware river channel in front of Cramp's Shipyard, and the Director of the Department of Wharves, Docks and Ferries be authorized to draw, and the City Controller to countersign, a warrant for said amount.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to purchase certain apparatus for the Department of Public Safety (Bureau of Fire).

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be, and he is hereby authorized to purchase the various kinds of motor and electrically propelled fire apparatus as may be selected by the Director of the Department of Public Safety, the same to be charged against Item 130 (loan) in the annual appropriation to the Department of Supplies (Safety, Fire).

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Commissioners of Fairmount Park of the Park Fund received in 1911 and 1912, and now in the City Treasury.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of thirteen thousand one hundred and thirty (13,130) dollars and sixteen (16) cents paid into the City Treasury in accordance with Section 23 of the Act of April 14, 1868, during the years 1911 and 1912, be, and the same is hereby appropriated to the Commissioners of Fairmount Park, the warrants therefor to be drawn by the said Commissioners.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and direct the Director of the Department of Public Safety to draw, and the City Controller to countersign, a warrant to pay the Wayne Contracting Company the sum of six hundred and ninety-three (693) dollars and fourteen (14) cents, the cost of additional work performed in building the retaining wall for the fire station for high pressure wagon, Bureau of Fire, located on the west side of Sixth street north of Lehigh avenue.

WHEREAS, The Wayne Contracting Company of Philadelphia, having shored up and protected the south wall of the high pressure reservoir situated at Sixth street, north of Lehigh avenue, at a cost of five hundred and seventy (570) dollars and twenty (20) cents, and have waived all claims for these services against the City of Philadelphia;

AND WHEREAS, The breaking of the reservoir wall, caused by the weakening effect of a very hard, rainy spell, thus having caused a weakening of the retaining wall, on which sits the fire station for the high pressure wagon, thereby caused the increased thickness of the retaining wall to be necessary and the change in thickness of the said retaining wall from a maximum thickness of two feet from base to top, to a thickness of six (6) feet at the base and tapering to a thickness of three (3) feet at the top; this wall to be eight (8) feet high and ninety (90) feet long; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety be authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the Wayne Contracting Company in the sum of six hundred and ninety-three (693) dollars and fourteen (14) cents, the cost of additional work performed by said company, in building the retaining wall for the fire station for high pressure wagon, Bureau of Fire, located on the west side of Sixth street north of Lehigh avenue, payment to be made from Loan Item No. 110 (formerly Item 14 (d), Bureau of Fire).

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing and directing the drawing and the payment of certain warrants in favor of Joseph C. Boggs for work done in grading Elkhart, Stella and Mayfield streets, from B to Ella street; and in favor of Edward Fay & Son of an amount due on their contract for alterations, etc., to the Seventeenth District Police Station, Twentieth and Federal streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to draw, and the City Controller to countersign, a warrant in the sum of one thousand four hundred and ninety-seven (1,497) dollars and ninety-seven (97) cents in favor of Joseph C. Boggs for work done in grading Elkhart, Stella and Mayfield streets; the same to be taken from Item 101, for grading, out of the appropriation from loan approved April 21, 1911, to the Department of Public Works (Bureau of Highways).

SECT. 2. That the Chief of the Bureau of City Property be authorized to draw, and the City Controller to countersign, a warrant in the sum of four hundred and forty (440) dollars, being an amount due Edward Fay & Son on their contract dated October 28, 1912, for alterations, etc., to the Seventeenth District Police Station House, Twentieth and Federal streets, for the Bureau of City Property, for work performed by said firm before the execution of the contract; the said payment to apply against the contract.

Approved the twenty-ninth day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Mayor, City Commissioners, Clerks of Councils, District Attorney, Receiver of Taxes and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bu-

reaus in the Departments of Public Safety, Public Works, Mayor, City Commissioners, Clerks of Councils, District Attorney, Receiver of Taxes and City Treasurer, for the year 1913, viz.:

City Treasurer: From Item 4 (d), for sinking fund on new loans, seventy-three thousand three hundred and seventy-five (73,375) dollars and ninety-eight (98) cents, to the following:

Department of Public Safety (Director's Office): To Item 10 (a), for horse watering stations, etc., one thousand (1,000) dollars. (Bureau of Police): To Item 9 (c), for the detection, arrest and conviction of offenders, foreign telegraph service, investigation and procuring evidence in the alleged violation of the law, and for the pursuit of criminals, at the discretion of the Director of the Department of Public Safety, and for car fare of officers: *Provided*, The Director may draw in advance of actual expenditure of money the sum of warrant to the amount of one thousand (1,000) dollars; said money to provide emergency cash fund for above work, ten thousand (10,000) dollars; to Item 19 (b), for rent of patrol motor boat, seven hundred (700) dollars.

Department of Public Works (Bureau of Surveys): To Item 11½, to reimburse Messrs. Sweeney & Lee for extra work, etc., on branch sewer in York road, from Wingohocking street to Loudon street, three hundred and fifty-nine (359) dollars and four (4) cents. (Bureau of Highways): To Item 14 (c), to macadamize and lay gutters and pipe in Forty-ninth street, from Grays avenue to Botanic avenue, four thousand (4,000) dollars; to Item 15 (f), for repairs to wood block pavement on Market street, ten thousand (10,000) dollars. (Bureau of City Property): To Item 11½, to pay Albert Krewson wages as painter, from July 16, 1912, to August 5, 1912, seventy-two (72) dollars and fifty (50) cents; to Item 14 (d), towards paying for band at Gorgas Park, three hundred (300) dollars; to Item 17 (g), for improvements at Gorgas Park, three thousand two hundred (3,200) dollars; to Item 17 (h), for improvements at Westmoreland

Square, three thousand (3,000) dollars; to Item 29½, for repairs, alterations, etc., Register of Wills office, two hundred (200) dollars.

Mayor: To Item 7 (a), maintenance, etc., of Museums, four thousand (4,000) dollars.

City Commissioners: To Item 22 (e), to provide new steel cases in Room 696, and to remove the present steel cases in Room 650 to Room 696, City Hall, two thousand (2,000) dollars.

Clerks of Councils: To Item 5 (d), towards defraying the expenses of the Philadelphia Brigade at Gettysburg, on the occasion of the Fiftieth Anniversary of the battle, one thousand five hundred (1,500) dollars; said amount to be expended under the supervision of the Committee on Finance; to Item 5 (e), towards the expenses of the celebration of the Centennial Anniversary of the State Fencibles, Philadelphia, from May 21st to 25th, inclusive, two thousand (2,000) dollars; said amount to be expended under the supervision of the Committee on Finance; to Item 5 (f), towards defraying the expenses incident to the public Horse Carnival and Exhibition under the auspices of the Road Drivers' Association of Pennsylvania, June 7, 1913, two thousand (2,000) dollars; said amount to be expended under the supervision of the Committee on Finance.

District Attorney: To Item 1 (b), for extra help, seven hundred and forty (740) dollars; to Item 1 (d), to pay bills incurred in the preparation and trial of the case of *Commonwealth vs. Henry Clay et al.*, fifteen thousand (15,000) dollars; to Item 2, for miscellaneous supplies, four thousand two hundred and sixty (4,260) dollars.

Receiver of Taxes: To Item 13 (b), for refunding to the Germantown Cricket Club overcharge for water between the years 1907 and 1912, inclusive, one thousand four hundred and fifty-six (1,456) dollars and fifty-four (54) cents.

City Treasurer: To Item 4 (f), for interest on new loans, seven thousand six hundred and eight (7,608) dollars.

I hereby approve this Ordinance, excepting the following Items: Department of Public Works (Bureau of Highways), to Item 14 (c), to macadamize and lay gutters and pipe in Forty-ninth street, from Grays avenue to Botanic avenue, four thousand (4,000) dollars; also to Item 15 (f) for repairs to wood-block pavement on Market street, ten thousand (10,000) dollars. Clerks of Councils: To Item 5 (d), towards defraying the expenses of the Philadelphia Brigade at Gettysburg, on the occasion of the Fiftieth Anniversary of the battle, one thousand five hundred (1,500) dollars, said amount to be expended under the supervision of the Committee on Finance.

By reason thereof reducing the following Item: City Treasurer, from Item 4 (d) for sinking fund on new loans by fifteen thousand five hundred (15,500) dollars, thereby reducing it from seventy-three thousand three hundred and seventy-five (73,375) dollars and ninety-eight (98) cents, to fifty-seven thousand, eight hundred and seventy-five (57,875) dollars and ninety-eight (98) cents.

Approved the thirty-first day of May, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Irving street, from Sixty-first to Sixty-second street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Irving street, from Sixty-first to Sixty-second street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may

be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the second day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Larchwood avenue, from Conestoga to Fifty-fifth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Larchwood avenue, from Conestoga to Fifty-fifth street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security on behalf of the City of Philadelphia for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the second day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Kingsessing avenue, from Fifty-sixth to Frazier street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department

of Public Works be authorized and directed to notify the owners of property over and through which Kingsessing avenue, from Fifty-sixth to Frazier street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Forty-fourth street, from Market street to Haverford avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Forty-fourth street, of the width of sixty (60) feet, from Market street to Haverford avenue, the said street to follow the same direction of Forty-fourth street now on the City plan south of Market street so that the northern end thereof shall intersect Haverford avenue at the present intersection of Forty-third street, as on the City plan north of Haverford avenue.

Approved the fifth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Reed street, from Twenty-fifth to Twenty-sixth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Reed street, from Twenty-fifth to Twenty-sixth street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the fifth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of certain streets, to be paid for out of Item No. 130, seven million (7,000,000) dollar loan.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts for grading the following streets to the established grade of the City, with the necessary drains, etc., viz.: Almond street, from Orthodox to Lefevre street; Anderson street, from Mt. Airy avenue to about three hundred feet northwest of Mt. Pleasant avenue; Annsbury street, from Eleventh to Twelfth street; Ardleigh

street, from Mt. Airy avenue to about three hundred feet northwest of Mt. Pleasant avenue; Ashdale street, from Second to Fourth street; Ashland street, from Lewis street to Frankford creek; Bambrey street, from Indiana avenue to Clearfield street; Berks street, from Fifty-third to Fifty-fourth street; Bristol street, from Second to Fifth street and from Eighth to Ninth street; Camac street, from Wingohocking to Courtland street; Cambridge street, from Tucker to Duncan street; Cedarhurst street, from Fifty-ninth street to Cobbs Creek Parkway; Charles street, from Comly street to Dark Run Lane; Clearfield street, from Front to Second street; Cloud street, from Meadow to Plum street; Coleman street, from Fifty-fourth to Fifty-sixth street; County Line, from Cemetery Lane to Bustleton avenue; Courtland street, from York Road to the Boulevard; Cresson street, from Jamestown to Pennsdale street; Darien street, from Hunting Park avenue to Bristol street; Delphine street, from Third to Fifth street; Dexter street, from Seville to Markle street, and Seville street, from Dexter street to Manayunk avenue; Dickinson street, from Thirtieth to Thirty-third street; Division street, from Conrad street to about four hundred and ninety-three feet northeast; Dupont street, from Lawnton street to Rochelle avenue; Eighth street, from the Boulevard to Lindley avenue; Eleventh street, from Wingohocking to Loudon street, and from Duncannon avenue to Windrim avenue; Ella street, from Wyoming avenue to Courtland street; Estrop street, from Palethorp to Mascher street, and from Ontario to Tioga street; F street, from Tioga to Atlantic street; Fairhill street, from Lindley avenue to Fishers avenue, and from Loudon to Rockland street; Frazier street, from Whitby avenue to Willows avenue; Front street, from Tioga street to Nicetown Lane; Fifteenth street, from Lindley avenue to Fishers avenue; Forty-ninth street, from Reno to Aspen street; Fifty-third street, from Overbrook avenue to Wynnefield avenue; Fifty-fourth street, from Whitby avenue to Willows avenue; Fifty-fifth street, from Whitby avenue to Willows avenue; Fifty-sixth street, from Whitby avenue to Willows avenue, and from Lebanon avenue to Berks street; Fifty-seventh street, from Whitby avenue to Willows avenue;

Fifty-eighth street, from Media street to Lansdowne avenue; Fifty-ninth street, from Baltimore avenue to Angora avenue; Glenlock street, from Tyson to Princeton street; Gross street, from Media street to Lansdowne avenue, and from Jefferson street to Malvern avenue; Hadfield street, from Fifty-third to Fifty-eighth street; Harvey street, from Ridge avenue to Manayunk avenue; Henry street, from New Queen street to Abbottsford avenue; Howard street, from Delphine to Tabor street; Howell street, from Hasbrook street to about three hundred and thirty-five feet northwest of Rising Sun avenue; Hurley street, from Ontario to Tioga street; Hutchinson street, from Lindley avenue to Fishers avenue; I street, from Tioga to Venango street; Indiana avenue, from Front to Tusculum street, and from Twenty-fifth to Twenty-sixth street; Jackson street, from Twentieth to Twenty-second street, and from Tyson to Princeton street; Judson street, from Somerset to Cambria street; K street, from Old Front to Pike street; Kingsley street, from Rittenhouse street to Walnut Lane; Lawnton street, from Dupont to Connaroe street; Lee street, from Tioga to Venango street; Loudon street, from Mascher to Palethorp street, from Fifth to Sixth street and from Camac to Broad street; Ludlow street, from Markoe to Forty-sixth street; Luzerne street, from Germantown avenue to Hunting Park avenue, and from Eighth to Tenth street; Markoe street, from Chestnut to Walnut street; Malcolm street, from Fifty-third to Fifty-seventh street; Marvine street, from Wingohocking to Courtland street, and from Duncannon avenue to Windrim avenue; Mascher street, from Tusculum to Clearfield street; McClellan street, from Point Breeze avenue to Twenty-fourth street; McMichael street, from Midvale avenue to Coulter street; Media street, from Sixty-third to Sixty-fourth street; Mentor street, from Front to A street; Mitchell street, from Hermitage street to Leverington avenue, and from Parker avenue to Cinnaminson Lane; Mulberry street, from Harrison street to about two hundred and eighty-three feet northeast of Harrison street; Newkirk street, from Reed to Dickinson street; Norton street, from Sherman street to the offset in Sherman street; Ontario street, from Ninth

street to about fifty feet east of Seventh street; Oros street, from Rittenhouse street to Walnut Lane; Overington street, from Richmond to Allen street; Palethorp street, from Loudon street to the Boulevard; Pike street, from Ninth to Tenth street; Pomona street, from Sherman street to the offset in Sherman street; Reed street, from Twenty-fifth to Twenty-sixth street, and from Thirty-first to Thirty-fourth street; Rittenhouse street, from Henry street to about three hundred feet west of the Park line; Rockland street, from Fifteenth street to Windrim avenue; Ross street, from High street to Walnut Lane; Ruscomb street, from York Road to Thirteenth street; Sedgwick street, from Cresheim Road to Germantown avenue; Sepviva street, from Venango street to about three hundred and twelve feet north of Venango street; Sharp street, from Harvey to Dawson street; Shawnee street, from Hartwell avenue to Abington avenue; Sherman street, from Washington Lane to Pomona street; Simpson street, from Haverford avenue to Lansdowne avenue; Smedley street, from Pike to Luzerne street; Stillman street, from Indiana avenue to Clearfield street; Stockley street, from Hunting Park avenue to Roberts avenue; Sydenham street, from Rockland to Loudon street, and from Ruscomb street to Fishers Lane; Seventh street, from the Boulevard to Lindley avenue; Sixty-first street, from Baltimore avenue to Cobbs Creek Parkway; Third street, from Wingohocking to Annsbury street, and from Duncannon avenue to the Philadelphia and Newtown Connecting Railway; Tenth street, from Wingohocking street to Fishers avenue; Twelfth street, from Chelten avenue to Sixty-sixth avenue; Sixteenth street, from Pike to Luzerne street; Twentieth street, from Erie avenue to Butler street; Twenty-first street, from Indiana avenue to Cambria street; Twenty-third street, from Snyder avenue to Passyunk avenue; Twenty-fourth street, from Point Breeze avenue to Snyder avenue; Twenty-fifth street, from Indiana avenue to Clearfield street; Twenty-sixth street, from Indiana avenue to Allegheny avenue; Tasker street, from Twenty-eighth to Twenty-ninth street; Tioga street, from B to J street; Tulpehocken street, from Baynton to Morton street; Tusculum street, from Front to Mascher street; Tyson street, from Torresdale avenue to

the Boulevard; Warnock street, from Wingohocking to Courtland street, and from Lindley avenue to Windrim avenue; Weaver street, from Limekiln Pike to Ogontz avenue; Westmoreland street, from Sixth street to Glenwood avenue, and from Fox street to Hunting Park avenue; Wittee street, from Venango street to about two hundred and ninety-nine feet north of Venango street; Abbottsford avenue, from Scotts Lane to the dead end; Adams avenue, from Castor Road to the Boulevard; Bellfield avenue, from the Boulevard to York Road; Benson avenue, from F to H street; Cheltenham avenue, from Broad street to East Washington lane; Duncannon avenue, from Second street to Fifth street; Fishers avenue, from Second street to North Penn Branch of the Philadelphia and Reading Railway; Greenway avenue, from Fifty-fifth to Fifty-sixth street; Hunting Park avenue, from Sixth to Ninth street; Hunting Park avenue extension, from York road to Bristol street; Indiana avenue, from Twenty-fifth to Twenty-sixth street; Lindley avenue, from Fifth to Ninth street, and from York Road to Broad street; Manayunk avenue, from Krams avenue to Leverington avenue; Roberts avenue, from Pulaski avenue to Wissahickon avenue; Sedgeley avenue, from Marshall street to the Richmond Branch of the Philadelphia and Reading Railway; Sixty-fifth avenue, from Eleventh to Twelfth street; Somerville avenue, from Fairhill to Sixth street, from York Road to Thirteenth street, and from Broad to Fifteenth street; Stenton avenue, from Washington Lane to Cheltenham avenue; Torresdale avenue, from Blakiston street to Linden avenue; Wagner avenue, from Eleventh to Twelfth street; Wellens avenue, from Third to Fourth street; Willows avenue, from Fifty-third to Fifty-eighth street; Willow Grove avenue, from Germantown avenue to Ardleigh street; Windrim avenue, from Tenth to Twelfth street; Cresheim Road, from Carpenter street to Mt. Pleasant avenue; Lincoln Drive, from Springfield avenue to Willow Grove avenue; Oxford Pike, from Leiper street to the Boulevard; Washington Lane, from Sherman street to Lincoln Drive, and from Stenton avenue to Cheltenham avenue; intersection of Conrad and Crawford streets; intersection of Cresheim Valley Drive, Mermaid Lane and Germantown avenue. The cost of

said work to be taken from Item No. 130, seven million (7,000,000) dollar loan, of the appropriation to the Department of Public Works (Bureau of Highways). In all cases where the material required to excavate or fill any legally opened street within six blocks of the streets herein authorized to be graded can be interchangeably used, the Director of the Department of Public Works shall advertise for and award the contract so that the same shall be embodied in one and the same contract: *Provided*, That the grading shall be advertised for and the contracts awarded to the lowest responsible bidders.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place the plot of ground bounded by Chester avenue, Fifty-first street, Kingsessing avenue, Forty-ninth street and the West Chester Branch of the Pennsylvania Railroad under the custody and control of the Board of Recreation.

WHEREAS, The City of Philadelphia, by virtue of an ordinance approved May 3, 1911, has come in possession of plot of ground situated at Fifty-first and Chester avenue, known as the Belmont Cricket Grounds; and

WHEREAS, Said plot of ground was intended by said ordinance for a recreation center and playground, therefore

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the plot of ground bounded by Chester avenue, Fifty-first street, Kingsessing avenue, Forty-ninth street and West Chester Branch of the Pennsylvania Railroad, be, and the same is hereby

placed under the custody and control of the Board of Recreation, subject to such rules and regulations as have been, or shall be from time to time, established by the Board of Recreation for the care, management and maintenance of public playgrounds.

SECT. 2. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION.

Authorizing the Director of the Department of City Transit to lease space in the Philadelphia Bourse Building, for the accommodation of the Department of City Transit; and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Director of the Department of City Transit be, and is hereby authorized to lease approximately 9,550 square feet of space on the seventh floor (Fourth street end) of the Philadelphia Bourse Building for the accommodation of the Department of City Transit, for a period of two years at an annual rental of nine thousand (9,000) dollars, payable monthly in advance. The said rental to include heat, light and janitor service.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and set aside a portion of the seven million (7,000,000) dollar loan for improvements to existing police and fire stations.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Safety be authorized to expend the sum of fifty thousand (50,000) dollars for improvements to existing police and fire stations out of Item 130 (loan), in the appropriation to the Department of Public Safety (Bureau of Fire), for the erection of such new and improvements to existing police and fire stations.

Approved the tenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of two wharves or piers and superstructures on the Delaware river, between Fitzwater and Christian streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Wharves, Docks and Ferries be hereby authorized and directed to enter into a contract or contracts, after due advertising, for the building, erection and construction of two wood pile and concrete wharves or piers along the Delaware river, between the north building line of Fitzwater street and the south building line of Christian street, and extending from the bulkhead line of Delaware avenue to the War Department pierhead line as established by law, being in length approximately 550 feet, and in width approximately 180 feet, and for the erection upon said wharves or piers of metal and concrete warehouses or superstructures two or three stories in height, and for the neces-

sary construction, alteration, repairs or extension of the bulkhead walls and sheds in connection therewith from Pier No. 36, south of Fitzwater street, to Pier No. 46, located south of Christian street.

SECT. 2. The Director of the Department of Wharves, Docks and Ferries is hereby authorized to appoint such assistant engineers, draftsmen, inspectors, laborers, etc., and to pay such traveling and other expenses in connection with the preparation of plans and for the inspection of the work of construction as may be necessary or requisite to carry on the work herein authorized.

SECT. 3. The cost of work authorized by this ordinance shall be charged against Item 130 (loan) of the appropriation to the Department of Wharves, Docks and Ferries.

Approved the tenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize a certain transfer in the annual appropriation to the Mayor and City Treasurer, for the year 1913, to pay the expenses of the Historical Pageant.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfer in the annual appropriation to the Mayor and City Treasurer, for the year 1913, viz.: City Treasurer: From Item 4 (d), for sinking fund on new loans, ten thousand (10,000) dollars, to the Mayor: To Item 18, to pay the expenses of the Historical Pageant in 1912; and the Mayor is hereby authorized to draw, and the City Controller to countersign, a warrant for said amount.

Approved the tenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Wharves, Docks and Ferries of the City of Philadelphia to enter into an agreement with the Pennsylvania Railroad Company for the purchase of bulkhead frontage on the east side of Delaware avenue for a specified cash consideration and for other considerations.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Wharves, Docks and Ferries be, and he is hereby authorized and directed to enter into an agreement on behalf of the City of Philadelphia with the Pennsylvania Railroad Company, as follows:

This agreement made this _____ day of _____ in the year of our Lord one thousand nine hundred and thirteen, between the City of Philadelphia (hereinafter called the City) and the Pennsylvania Railroad Company (hereinafter called the Railroad Company):

WHEREAS, The said City is desirous of acquiring property of the said Railroad Company on the east side of Delaware avenue, between Queen street and Christian street, to enable the said City to construct two large piers for the development of commerce of the port. The said Railroad Company is willing to convey that property to the said City: *Provided*, The said City will so arrange that the facilities of the said Railroad Company may be increased upon other property, thus making provision for the pier and such business as the said Railroad Company had intended to handle on the said property between Queen street and Christian street;

AND WHEREAS, The Director of the Department of Wharves, Docks and Ferries and the proper officers of the said Railroad Company have formulated an agreement, as hereinafter set forth, whereby the foregoing may be properly executed and adequately carried out; now, therefore,

This agreement witnesseth that the said City and the said Railroad Company, in consideration of the premises, do hereby mutually covenant, promise and agree to and with each other as follows:

(1) The said Railroad Company to execute and deliver to the said City for the price of \$800.00 per lineal foot the bulkhead frontage of 448 feet, more or less, and land on the east side of Delaware avenue, between Queen street and Christian street, including all wharves, docks, bulkheads and every and all riparian or other rights appurtenant or incident to said land, and including also any and all damages which may or could arise by the opening of Delaware avenue to the full width of 150 feet, as now opened upon the confirmed plan of the City of Philadelphia; excepting and reserving, nevertheless, all the rights of the said Railroad Company, however acquired, to construct, maintain and operate its railroad in Delaware avenue, adjoining the said premises. As an additional consideration for such conveyance, the City agrees to execute and deliver to the said Railroad Company a permit or license to widen Pier No. 46 South Wharves sixty feet on the north side along the entire length thereof.

(2) That the proposed deed to the said City is to contain a condition, or the said City is to execute an agreement that if it, the said City, its successors or assigns, shall at any time thereafter construct upon its or their property south of the south line of Queen street a pier, it shall be so located and constructed that at all times thereafter there shall be not less than 200 feet of clear waterway east of the bulkhead line, as established by the Secretary of War, between the south side of the City pier and the north side of Pier No. 46 South Wharves, as widened 60 feet on the north side thereof; said 200 feet of clear waterway to be for the joint benefit and use of said Pier 46 and the pier to be constructed by the City to the north thereof.

(3) That the said City shall and will execute and deliver to the said Railroad Company a lease for twenty-five years for the City's pier and bulkhead frontage at the foot

of Washington avenue; such lease to commence March 1, 1914, and the rent thereunder to be at the rate of \$2,500 per annum.

(4) The said City in consideration of the premises and of the sum of \$32,000 lawful money, to be paid by the said Railroad Company to the said City to release, exonerate and discharge the said Railroad Company and the premises on the east side of Delaware avenue, south of Pier No. 14 South Wharves, conveyed, *inter alia*, by the said City to the said Railroad Company by indenture dated July 29, 1909, and recorded at Philadelphia in Deed Book W. S. V. 1063, page 377, etc., of and from the express conditions contained in said indenture in favor of the said City for the use of the southernmost thirty-two feet of dock or waterway in front of the premises therein conveyed, with the same force and effect as if no such restriction or condition had ever been created.

This agreement shall take effect only in the event of the borrowing by the City of Philadelphia of the sum of \$1,600,000 for the acquisition of land for harbor improvements and the construction of wharves, etc., as authorized by vote of the electors at the election held on the fifth day of November, 1912.

In witness whereof, the said Director of Wharves, Docks and Ferries has executed this agreement on behalf of the said City, and the said Railroad Company has caused this agreement to be executed on its behalf by

its

the day and year first above written.

CITY OF PHILADELPHIA,

By Director of Wharves, Docks and Ferries.

Signed and delivered in the presence of:

THE PENNSYLVANIA RAILROAD
COMPANY,

By

The Director of Wharves, Docks and Ferries and the proper officers of the Pennsylvania Railroad Company are authorized to fill in the blanks of the aforesaid agreement.

SECT. 2. The City Solicitor is hereby authorized and directed to examine the title to the above-described premises to be conveyed to the City, and if he shall approve the title to the same, then to cause a conveyance thereof to be made to the City of Philadelphia in fee simple; the consideration thereof being a sum calculated as provided in said agreement and to be taken out of Item 130 (loan) in the annual appropriation to the Department of Wharves, Docks and Ferries, for the year 1913. The Director of said Department is hereby authorized to draw, and the City Controller to countersign, warrants under said agreement.

Approved the tenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

RESOLUTION

Authorizing and directing the Directors of the various Departments in the City Government to sign, and the City Controller to countersign, warrants for all veterans receiving leave of absence to attend the Fiftieth Anniversary of the Battle of Gettysburg, at Gettysburg, Pa., in July, 1913, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, The celebration of the Fiftieth Anniversary of the Battle of Gettysburg will take place on that celebrated field of battle on July 1st, 2d and 3d of this year, by the assembling of the veterans of both armies on this historic field where, for three proud and immortal days, the old and young of both sides yielded their lives for the cause they believed to be right; and

WHEREAS, Many of the employees of the City of Philadelphia who took part in this battle should have the op-

portunity to participate in this peaceful gathering and clasp the hands of their comrades in this struggle of fifty years ago, where in the world's history no such deeds of bravery and valor were exhibited as in this battle on Pennsylvania soil; therefore be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That the City of Philadelphia manifest its interest in this peaceful gathering by extending to all veterans in its employ a leave of absence of one week, beginning with June 30, 1913, during the time of this anniversary; and further

Resolved, That the Directors of the several Departments be authorized and directed to grant a leave of absence of one week, from June 30, 1913, to all veterans who desire to attend this celebration, and to sign, and the City Controller to countersign, warrants for the pay of all veterans receiving such leave of absence; and further

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the eleventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Public Health and Charities to construct additional buildings for the Philadelphia Hospital for Contagious Diseases.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Director of the Department of Public Health and Charities be authorized to construct additional buildings for contagious diseases, upon ground now owned by the City of Philadelphia,

and charge the same to Item 130 (loan) in the appropriation to the Department of Public Health and Charities (Bureau of Health) for the acquisition of such land and construction of buildings for contagious diseases, two hundred and fifty thousand (250,000) dollars.

Approved the eleventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant in payment of bills of the McNichol Paving and Construction Company for extra work in connection with the repaving of Arch street from Delaware avenue to Twenty-first street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the McNichol Paving and Construction Company for seven hundred and ten (710) dollars and thirteen (13) cents for extra work done in connection with the repaving of Arch street from Delaware avenue to Twenty-first street, as per certified bills on file in the office of the Bureau of Highways, said warrants to be charged to Item 33 in the appropriation to the Department of Public Works (Bureau of Highways), for paving, repaving and repairing streets occupied by Philadelphia Rapid Transit Company.

Approved the twelfth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the condemnation of Pier No. 39 South, Catharine street, Delaware river, property of the Knickerbocker Ice Co., for the construction of new piers, and providing for the payment of the cost of same.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That by virtue and in pursuance of the authority vested in them by Act of Assembly, they do hereby select and appropriate, for the purpose of constructing new piers, all that certain wharf or dock, bulkheads, etc., situate in the Third Ward of the City of Philadelphia, described according to a survey and plan thereof made on the seventh day of March, 1913, by W. C. Cranmer, Esq., Surveyor and Regulator of the Third District, as follows:

Beginning at the point of intersection of the south line of Catharine street produced and the old east line of Delaware avenue; thence extending eastward along the said south line of Catharine street produced 73 feet $4\frac{1}{2}$ inches to a point on the east line of said Delaware avenue, as established by ordinance of Councils the twenty-third of June, 1893; thence further eastward along said south line of Catharine street produced 556 feet $7\frac{3}{4}$ inches to the pierhead line in the river Delaware, as fixed by the Secretary of War the twentieth day of January, 1891, and as established by ordinance of Councils the seventh day of October, 1891; thence southward along said pierhead line 110 feet $\frac{1}{2}$ inch to a point; thence westward 557 feet $10\frac{1}{4}$ inches to the said east line of Delaware avenue, as established by ordinance of Councils the twenty-third of June, 1893; thence further westward 73 feet 8 inches to the said old east line of Delaware avenue; thence north 107 feet $3\frac{1}{2}$ inches to the place of beginning; including all wharves, docks, bulkheads and every and all riparian or other rights appurtenant or incident to the said land, and including also any and all damages which may or could arise by the opening of Delaware avenue to the full width of one hundred and fifty (150) feet, as now upon the confirmed plan of the City of Philadelphia.

SECT. 2. The City Solicitor is hereby directed to institute the necessary proceedings on behalf of the City setting forth the property herein appropriated, to the end that the damages shall be assessed as provided for by law, said damages to be charged against Item 130 (loan) in the annual appropriation to the Department of Wharves, Docks and Ferries, for the year 1913, for the acquisition of land for harbor improvements and construction of wharves.

Approved the twelfth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing and directing the City Solicitor to examine the title to Pier No. 40 South, Delaware River, and to take title thereto in the name of the City of Philadelphia.

WHEREAS, The Director of the Department of Wharves, Docks and Ferries has entered into an agreement with Edward C. Knight, surviving executor of the will of Edward C. Knight, deceased, to purchase Pier No. 40 South, Delaware river, for the price or sum of one thousand (1,000) dollars per bulkhead foot, making a total of one hundred and eight thousand three hundred and fifty (108,350) dollars, more or less, which is to include and cover all claims against the City for damages to said premises by reason of the widening of Delaware avenue to the full width of one hundred and fifty (150) feet, as now upon the confirmed plan of the City of Philadelphia. The said premises to be conveyed clear of all incumbrances. Possession to be given at the time of settlement. Taxes, water rent and rent to be apportioned to the date of settlement. Title to be good and marketable and such as will be insured by any title and trust company of Philadelphia; and

WHEREAS, The cost of purchase of said property is to be paid out of the appropriation made by the State of Pennsylvania to said Department of Wharves, Docks and Ferries of the City of Philadelphia for the improvement of the maritime port facilities of the State of Pennsylvania, by Act of Assembly approved June 15, 1911.

Now, Therefore, The Select and Common Councils of the City of Philadelphia do ordain,

SECTION 1. The City Solicitor is hereby authorized and directed to examine the title to the said Pier No. 40 South, Delaware river, bounded and described as follows: All that certain wharf, or dock, bulkheads, etc., situate in the Third Ward of the City of Philadelphia, described according to a survey and plan thereof made on the 7th day of March, 1913, by W. C. Cranmer, Esq., surveyor and regulator of the Third District, as follows: Beginning at the point of intersection of the north line of Queen street produced with the old east line of Delaware avenue; thence extending eastward along the said north line of Queen street produced, 73 feet $9\frac{1}{2}$ inches to the east line of Delaware avenue, as established by ordinance of Councils the 23d day of June, 1893; thence further eastward along the said north line of Queen street produced, 559 feet one inch to the pier head line, as fixed by the Secretary of War on the 20th day of January, 1891, and established by ordinance of Councils the 7th day of October, 1891; thence northward along said pier head line 110 feet 8 inches; thence westward 557 feet $10\frac{1}{4}$ inches to the said east line of Delaware avenue, as established by ordinance of Councils the 23d day of June, 1893; thence further westward 73 feet 8 inches to the said old east line of Delaware avenue; thence southward along the said old east line of Delaware avenue 107 feet $10\frac{3}{4}$ inches to the place of beginning, including all wharves, docks, bulkheads and every and all riparian or other rights appurtenant or incident to the said land, and including also any and all damages which may, or could, arise by the opening of Delaware avenue to the full width of one hundred and fifty (150) feet as now upon the confirmed plan of the

City of Philadelphia, and if he shall approve the title to the same, then to cause a conveyance thereof to be made to the City of Philadelphia in fee simple.

Approved the twelfth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, City Commissioners and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Wharves, Docks and Ferries, City Commissioners and City Treasurer, for the year 1913, viz.: Department of Public Safety (Bureau of Police): From Item 3, for salaries, forty-three thousand (43,000) dollars. Department of Public Health and Charities (Bureau of Charities): From Item 5, for salaries, three hundred (300) dollars; from Item 15, for salaries, eight hundred and forty-seven (847) dollars. Department of Wharves, Docks and Ferries: From Item 5, for salaries, one thousand two hundred (1,200) dollars. City Commissioners: From Item 36 (a), for State Hospital for the Insane, etc., twelve thousand (12,000) dollars. To the following:

Department of Public Safety (Bureau of Correction): To Item 9, for installing new boilers, laying conduits and other work incidental to connecting the heating plant with the new Home for the Indigent, fifteen thousand (15,000) dollars.

Department of Public Health and Charities (Bureau of Charities) : To Item 22 (c), for new boilers and repairs to old boilers, one thousand one hundred and forty-seven (1,147) dollars; to Item 27 (c), for boarding out foundlings, two thousand five hundred (2,500) dollars.

Department of Public Works (Bureau of Water) : To Item 37, for replacing and repairing chimney at Torresdale Pumping Station, fifteen thousand (15,000) dollars. (Bureau of City Property) : To Item 13 (b), for alterations, improvements and ventilation in Rooms 453 and 653, City Hall, two thousand (2,000) dollars.

Department of Wharves, Docks and Ferries: To Item 18, for the purchase and maintenance of an automobile, one thousand two hundred (1,200) dollars.

City Treasurer: To Item 4 (k), to provide monthly payments as provided for by Act of Assembly approved April 29, 1913, to indigent widows or abandoned mothers for partial support of their children, being one-half of the apportionment to the County of Philadelphia from the State appropriation for said purpose, twenty thousand five hundred (20,500) dollars.

Approved the thirteenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Directors of the Departments of Supplies and Public Works to draw, and the City Controller to countersign, certain warrants in payment of work and supplies heretofore furnished.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Directors of the Departments of Supplies and Public Works be authorized to draw, and the City Controller to countersign,

certain warrants in payment of work and supplies heretofore furnished, as follows:

Department of Supplies (Taxes), against Item 11, The Bingham Co., for printed books and blanks, three thousand seven hundred and thirteen (3,713) dollars and forty-one (41) cents; Albert Anderman, for printed books and blanks, three hundred and twenty-six (326) dollars and forty-seven (47) cents; Lyon & Armor, for printed blanks, forty-six (46) dollars and thirty-seven (37) cents; Geo. W. Gibbons, for printed blanks, three hundred and eight (308) dollars and nineteen (19) cents; James Arnold, for printed books, thirty-seven (37) dollars and fifteen (15) cents; Dunlap Printing Co., for printed books and blanks, six hundred and six (606) dollars and thirty-five (35) cents. Item 120 (loan), Dunlap Printing Co., for printed books and blanks, two thousand four hundred and sixty-four (2,464) dollars and forty (40) cents; Priestley Printers, for printed blanks, eighty-one (81) dollars and twenty-eight (28) cents. Total, seven thousand five hundred and eighty-three (7,583) dollars and sixty-two (62) cents.

Department of Public Works, a warrant, or warrants, in favor of Charles T. Groswith for hauling ashes, rubbish, snow and ice during the year 1913 prior to the execution of a contract. For hauling ashes and rubbish from the several squares and parks during the months of January, February, March and April, 1913, one thousand four hundred and ninety-one (1,491) dollars and sixty (60) cents, to be taken out of Item 15 (b); for hauling ashes and rubbish from the City Hall during the months of February, March and April, 1913, one thousand three hundred and forty-six (1,346) dollars, to be taken out of Item 9 (a); for hauling snow and ice from the court yard and sidewalks of City Hall during February, 1913, twenty-two (22) dollars, to be taken out of Item 9 (c); making a total of two thousand eight hundred and fifty-nine (2,859) dollars and sixty (60) cents, all being from the annual appropriation for the year 1913 to the Bureau of City Property (Department of Public Works); also, warrants in favor of John R. Leewright, in the sum of two hundred and eighty-eight (288) dollars and seventy-

six (76) cents, for removing ashes from the Queen Lane Station; in favor of James A. Mullen, in the sum of three hundred and thirteen (313) dollars and ninety (90) cents, for removing ashes from the Belmont Station, and in favor of Clark & Company, Inc., in the sum of three hundred and seventy (370) dollars and thirty (30) cents, for removing ashes from the Lardner's Point Station, said warrants to be drawn against Item 122½, loan appropriation, to the Bureau of Water "for hauling ashes."

Approved the seventeenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To approve the regulations for the protection of street trees adopted by the Commissioners of Fairmount Park.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the following regulations for the protection of street trees, adopted by the Commissioners of Fairmount Park, and duly published according to law, are hereby approved:

1. No tree shall be pruned, sprayed, planted in, cut down or removed from any highway in the City of Philadelphia without authority from the Commissioners of Fairmount Park.

2. No person shall climb upon, cut, break, bark or otherwise injure or disturb any tree, tree-guard or support thereof on any highway in the City without authority from said Commissioners.

3. No person shall fasten any horse or other animal to any tree, tree-guard or support thereof, or leave any animal fastened or unfastened within reach of any tree; tree guard or support thereof on any highway in the City.

4. No person shall attach any guy-rope, cable, wire or other fixture to any tree, tree-guard or support thereof on any highway in the City.

5. No person shall fasten or maintain any placard, sign, advertisement or other notice on any tree, tree-guard or support thereof on any highway in the City.

6. No person shall deface, injure or remove any copy of the Regulations for the Protection of Street Trees or other notice posted on any highway or other public place in the City by authority of the Commissioners of Fairmount Park.

7. No pavement of any kind shall be laid within a space of three feet by four feet around any street tree, and no stone, gravel, cement, lumber or other material shall be deposited upon such unpaved area. Such unpaved space must be maintained permanently and continuously about the base of the trunk of each street tree.

8. Every person or corporation violating any of the foregoing regulations shall pay a fine or penalty of five dollars for each and every offence, to be recovered before any magistrate of the City of Philadelphia as debts of that amount are recoverable, and said fine or penalty, if not paid to said magistrate, shall become a lien on the real property of the offender and be collectable as provided by law.

Approved the seventeenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Eastwick avenue, from Sixty-seventh street to Island road.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the

owners of property over and through which Eastwick avenue, from Sixty-seventh street to Island road, will pass, that at the expiration of three months from date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the nineteenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Bureau of City Property to place the Philadelphia Band and the Municipal Band in Convention Hall, and pay for the lighting of said Convention Hall from Item 14 (b) and 14 (c).

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Bureau of City Property be authorized to place the Philadelphia Band and Municipal Band in Convention Hall on rainy nights, and on other nights as may be selected, and that the Chief of the Bureau of City Property be authorized to draw, and the City Controller directed to countersign, warrants for the lighting of Convention Hall when used for said band concerts out of Items 14 (b) and 14 (c), in the annual appropriation to the Department of Public Works (Bureau of City Property), for the year 1913.

Approved the nineteenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of Wayne avenue, from the Philadelphia and Reading Railway to Berkley street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines of Wayne avenue so that the said avenue shall extend of the width of eighty (80) feet in a straight line, from the Philadelphia and Reading Railway bridge to Berkley street, and to make the necessary revision of the grades thereof.

Approved the nineteenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Transferring plot of ground on Twenty-ninth street, south of Clearfield street, and set aside for the use of the Central Manual Training High School, by ordinance approved April 7, 1908, to the Alumni Association of the Northeast Manual Training High School, as an athletic field for the use of the students of the Northeast High School.

WHEREAS, By ordinance approved April 7, 1908, a certain tract of ground on the west side of Twenty-ninth street, south of Clearfield street, owned by the City of Philadelphia, was set aside as an athletic field for the use of the students of the Central Manual Training High School, and as said school is no longer in existence, therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That so much of the plot of ground beginning at a point on the west side of Twenty-

ninth street, at the distance of six hundred and seventy (670) feet southward from the south side of Clearfield street; thence extending westward by a line parallel with the said Clearfield street and at the distance of six hundred and seventy (670) feet southward therefrom to the east side of Thirty-first street; thence northward along the east side of said Thirty-first street two hundred and twenty (220) feet, more or less, to a point; thence eastward, on a line parallel with the said Clearfield street two hundred and eighty-three (283) feet to a point; thence northward one hundred and eighty (180) feet and to a point; thence eastward three hundred and seventy-five (375) feet, more or less, to the west side of said Twenty-ninth street, and thence southward along the same four hundred and ten (410) feet to the place of beginning, as was authorized to be set aside as an athletic field for the use of the students of the Central Manual Training High School be, and the same is hereby set aside, and in addition to ground now used by them, and transferred to the Alumni Association of the Northeast Manual Training High School, as an athletic field for the use of the students of the Northeast High School, in accordance with the conditions and provisions as set forth in said ordinance of April 7, 1908.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the nineteenth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the improving of certain country roads.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Director of the Department of Public Works be authorized and directed to enter into contracts for the improving of the following

country roads to a width of sixteen feet, viz.: Longshore street, from Torresdale avenue to Bristol pike; Wells street, from Charles street to Frankford avenue; Fifty-sixth street, from Wynnefield avenue to Susquehanna avenue; Overbrook avenue, from Fifty-seventh street to the County line; Eightieth street, from Eastwick avenue to Buist avenue; Lyons avenue, from Eighty-seventh street to Island road; Welsh road, from Bustleton avenue to Pine road; Cemetery lane, from Prospect road to County line; Bellfield avenue, from Stenton avenue to Penn street, and on Stenton avenue, from the angle south of Bellfield avenue to about 150 feet north of Bellfield avenue; Shawmont avenue, from Ridge avenue to about 3,250 feet eastward; Gorgas lane, from Ridge avenue to Park line; Second street, from Erie avenue to Wingohocking street; Stanwood street, from Elberon to E street; Solly street, from Rowland avenue to Frankford avenue, and from D to F street; Eighty-seventh street, from Lyons avenue to Chester Branch of the Philadelphia and Reading Railroad; Holstein avenue, from Eighty-fifth to Ninetieth street; Milner street, from St. Vincent street to Township Line road; Torresdale avenue, from Linden to Pierson street, and from Kensington avenue to K street; Vernon road, from Stenton avenue to Cheltenham avenue; Camac street, from Medary avenue to Sixty-fifth avenue; Craig street, from Welsh road to Solly street; County line, from Cemetery lane to Bustleton pike; Park avenue, from Champlost street to Nedro avenue; Eighty-third street, from Dicks avenue to Buist avenue, and from Tini-cum avenue to Church creek; Woodbine avenue, from Bryn Mawr avenue to Fifty-fourth street; Cliveden street, from Park line drive to Wissahickon avenue; Byberry road, from Knights road to County line; Paoli avenue, from Ridge avenue to Umbria street; Powder Mill lane, from Nicetown lane to Wingohocking street; Crothers avenue, from Eighty-fifth to Ninetieth street; Eighty-sixth street, from Lyons avenue to Church creek; Arendel street, from east of Frankford avenue to Pennsylvania Railroad; Sixty-fifth avenue, from Eleventh street to York road; Venango street, from Balfour street to the

Delaware river; Benner street, from Torresdale avenue to Keystone street; Madison street, from Island road to Eighty-first street; Ashwood street, from Eighty-fifth to Ninetieth street; Bryn Mawr avenue, from Parkside avenue to Wynnefield avenue; Lawndale street, from Levick to Hellerman street; H street, from Levick street to Martins Mill road; Willow Grove avenue, from Seminole avenue to Stenton avenue; Bartram avenue, from Eighty-third to Eighty-eighth street; Island road, from Grays avenue to Tinicum avenue; Sherwood road, from Sixty-sixth street to western limits of Morris Park; Sixty-ninth street, from Sherwood road to City avenue; Gillespie street, from Disston to Longshore street; Princeton street, from Tacony to Milnor street; Montague street, from Comly to Benner street; Benner street, from Jackson to Walker street; Gilham street, from Second street pike to G street; Jackson street, from Bustleton avenue to Old Newtown road; Carpenter street, from German-town avenue to Lincoln drive; Dicks street, from Sixty-fourth to Sixty-fifth street, and from Island road to Eighty-fourth street; Marsden street, from Devereaux to Benner street; Krewstown road, from Rhawn street to Somerton road; Ditman street, from Tyson to Princeton street; Thirteenth street, from Champlost street to Nedro avenue; Seventy-first street, from P., W. & B. R. R. to Buist avenue; Nicetown lane, from Second street to Kensington avenue; Howell street, from Rising Sun avenue to about 450 feet northwest; Blue Grass road from Welsh road to Grant avenue; Palmetto street, from Cottman to Shelmire street; Rising Sun avenue, from Second street pike to Bleigh street; Levick street, from Lawndale avenue to Martins Mill road; Ardleigh street, from Willow Grove avenue to Evergreen avenue; Verree road, from Verreeville to Bustleton avenue. The cost of the said work to be taken from Item 133 (loan) of the appropriation to the Department of Public Works (Bureau of Highways): *Provided*, That in addition to the said work the Department of Public Works be authorized to use a sum out of said Item not to exceed one hundred thousand (100,000) dollars for improving such country roads as are

now surfaced. *Provided*, That no part of the money in said item shall be used otherwise than to improve the streets and roads herein named substantially upon the present lines and the present physical grades, except for sufficient grading to secure an even surface: *Provided also*, That the property owners shall not be released from paying for paving the above streets and roads when the same may be directed to be paved by an ordinance of Councils.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, June 20, 1913.

This is to certify that the ordinance entitled "An Ordinance to authorize the improving of certain country roads," was returned by the Mayor to Common Council on the nineteenth day of June, 1913, without his approval, and said ordinance having been reconsidered, was passed on the same day by a vote of—yeas, 56; nays, 18.

And said ordinance, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that body on the same day by a vote of—yeas, 38; nays, 1.

The said ordinance having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

To authorize the Director of the Department of Public Works to repave certain streets adjacent to schools.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to repave certain streets adjacent to schools, as follows: Streets occupied by the tracks of the Philadelphia Rapid Transit Company to be repaved with creosoted wood blocks: Lombard street, between Sixteenth and Seventeenth streets; Sixteenth street, between Lombard and South streets; Locust street, between Broad and Fifteenth streets; Wharton street, between Twenty-sixth and Twenty-seventh streets; Moyamensing avenue, between Morris and Tasker streets; Dickinson street, between Sixth and Seventh streets; Twelfth street, between Wharton and Reed streets; Wharton street, between Eleventh and Twelfth streets; Fifth street, between Washington avenue and Federal street; Catharine street, between Third and Fourth streets; Catharine street, between Seventh and Eighth streets; Wallace street, between Fifteenth and Sixteenth streets; Green street, between Second and New Market streets; Sixth street, between Fairmount avenue and Brown street; Fairmount avenue, between Marshall and Sixth streets; Fairmount avenue, between Twelfth and Thirteenth streets; Tasker street, between Sixteenth and Seventeenth streets; Seventh street, between Dickinson and Tasker streets; Seventeenth street, between Tasker and Dickinson streets; Thirteenth street, between Porter street and Moyamensing avenue; Wharton street, between Sixth and Seventh streets; Eighth street, between Fitzwater and Bainbridge streets; Third street, between Lombard and Pine streets; Fairmount avenue, between Nineteenth and Twentieth streets; Master street, between Fourth and Lawrence streets; Second street, between Oxford and Jefferson streets; Oxford street, between Second and North American streets; Dauphin street, between Mascher and Front streets; Howard street, between Diamond street and Susquehanna avenue; Fourth street, be-

tween Dauphin and York streets; Frankford avenue, between Ontario and Russell streets; Fifth street, between Poplar street and Girard avenue; Fourth street, between George street and Girard avenue; Somerset street, between Frankford avenue and Coral street; Frankford avenue, between Somerset and Hart streets; Eighth street, between Clearfield street and Allegheny avenue; Thirteenth street, between Jackson and Wolf streets.

Streets occupied by the tracks of the Philadelphia Rapid Transit Company to be repaved with asphalt: Twenty-third street, between Federal and Oakford streets; Richmond street, between Ash and Jenks streets; Cumberland street, between Fifteenth and Sixteenth streets; Sixteenth street, between Firth and Cumberland streets; Paul street, between Unity and Sellers streets; Twenty-second street, between Ontario and Bellevue streets; Ridge avenue, between Levering and Gerhard streets; Fifteenth street, between Ontario and Tioga streets; Jackson street, between Juniper and Broad streets.

Streets to be repaved with creosoted wood blocks: Christian street, between Third and Fourth streets; Fourth street, between Clearfield and Indiana streets; Ontario street, between Frankford avenue and Braddock street; Newmarket street, between Green street and Fairmount avenue; Porter street, between Thirteenth street and Moyamensing avenue; Christian street, between Second and Front streets; Mascher street, between Susquehanna avenue and Dauphin street; Jackson street, between Twelfth and Thirteenth streets; Clearfield street, between Fourth and Leithgow streets; Clearfield street, between Eighth and Franklin streets; Wood street, between Nineteenth and Twentieth streets; Thompson street, between Seventeenth and Eighteenth streets.

Streets to be repaved with asphalt: Thirtieth street, between Gordon and York streets; Marshall street, between Somerset and Cambria streets; Carpenter street, between Sixth and Seventh streets; Ontario street, between Sydenham and Fifteenth streets; Sydenham street, between Ontario and Tioga streets; Forty-ninth street, between Parrish and Ogden streets; Parrish street, between

Forty-ninth and Fiftieth streets; Twenty-eighth street, between Morris and Moore streets; Ontario street, between Twenty-first and Twenty-second streets; Twenty-first street, between Moore and Siegal streets; Moore street, between Twenty-first and Twenty-second streets.

SECT. 2. The cost of said repaving to be paid out of appropriate items in the Bureau of Highways, except that the cost of repaving with wood blocks on streets occupied by street railways shall be paid out of Item 56 (d) in the loan of June 19, 1911, repaving streets with wood blocks.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance to make an appropriation to the Commissioners of Fairmount Park, for the year 1913."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Section 1 of ordinance entitled "An Ordinance to make an appropriation to the Commissioners of Fairmount Park, for the year 1913," be, and the same is hereby amended by inserting after the word "printing" in Item 3 the words "postage and incidentals," and by adding at the end of section the following: "*Provided*, That the Commissioners of Fairmount Park may make purchases or contracts to an amount not exceeding five hundred (500) dollars at any one time, without advertising, and without the filing of a bond, and the City Controller is hereby authorized and directed to approve warrants therefor."

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To reduce the width of Frazier street, between Whitby avenue and Willows avenue, to forty feet.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to reduce the width of Frazier street, between Whitby avenue and Willows avenue, to forty feet: *Provided*, That the owners of the abutting ground dedicate the street to the City and release all claims for damages by reason of the said narrowing.

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved the fourth day of June, 1912, entitled "An Ordinance to make additional appropriations for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Commissioners of Fairmount Park and City Commissioners, for the year 1912, for the construction of main and branch sewers, the grading and paving of streets and the improvement of water supply in West Philadelphia, out of loan approved May 9, 1912."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved the fourth day of June, 1912, entitled "An Ordinance to make additional appropriations for the purchase of materials and supplies and the maintenance of the various Bureaus of the Departments of Public Works,

Public Safety, Public Health and Charities, Supplies, Wharves, Docks and Ferries, Commissioners of Fairmount Park and City Commissioners, for the year 1912, for the construction of main and branch sewers, the grading and paving of streets and the improvement of the water supply in West Philadelphia, out of loan approved May 9, 1912," be, and the same is hereby amended by inserting the words "furnishing and" in the appropriation to Item 15 (e), Department of Public Works, Bureau of Highways, making the item read: "To Item 15 (e), for furnishing and setting curved curbing, etc., four thousand (4,000) dollars."

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, warrants in favor of William Reed and the Crescent Construction Company for the hire of horses, single and double teams, for the Bureau of Water.

WHEREAS, Proposals were received on December 30, 1912, for the hire of horses, single and double teams, for the Bureau of Water during the year 1913;

AND WHEREAS, A bill making an appropriation for the purpose was approved by the Mayor, April 15, 1913; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to draw, and the City Controller to countersign, a warrant in favor of William Reed in the sum of three thousand three hundred and fifty-five (3,355) dollars and twenty (20) cents, the warrant to be drawn against the

following items in the appropriation to the Department of Public Works, Bureau of Water, for "hire of horses, single and double teams," Item 18 (c), five hundred and fifty-five (555) dollars and twenty (20) cents; Item 28 (c), two thousand eight hundred (2,800) dollars, and a warrant in favor of the Crescent Construction Company in the sum of two thousand one hundred and ninety-four (2,194) dollars and eighty (80) cents; warrants to be drawn against the following items in the appropriation to the Department of Public Works (Bureau of Water), for "hire of horses, single and double teams," Item 16 (c), five hundred and fifty (550) dollars; Item 18 (c), one thousand six hundred and forty-four (1,644) dollars and eighty (80) cents.

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Chief of the Bureau of Highways to make measurements and to prepare certified bills in payment for certain classes of repairs to footways, paved streets and macadam roads, and authorizing the City Controller to countersign warrants in payment for the same.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That from and after the passage of this ordinance, it shall be the duty of the Chief of the Bureau of Highways to make measurements and prepare bills and to certify thereto for the following classes of work done in connection with Bureau of Highway contracts, viz.: Repairs to paved streets and macadam roads, consisting of patches and repairs over ditches. Repairs to footways in cases where the cost of such repairs cannot properly be charged against the abutting property owner.

SECT. 2. The City Controller is hereby authorized and directed to countersign warrants in payment for the work which has been measured and for which bills have been prepared by the Chief of the Bureau of Highways, as provided for in Section 1 of this ordinance.

SECT. 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Approved the twenty-third day of June, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE .

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment for coal purchased in an emergency for the Bureau of Water during the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating seven thousand two hundred and twenty (7,220) dollars and twenty (20) cents for coal purchased in an emergency for the Bureau of Water, and chargeable against the following item: Department of Supplies (Public Works): Item 2, Henderson, Hughes & Company, seven thousand two hundred and twenty (7,220) dollars and twenty (20) cents.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan and vacate Marshall road, from the west side of Sixty-second street to the north side of Spruce street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to strike from the City plan and vacate Marshall road, from the west side of Sixty-second street to the north side of Spruce street: *Provided*, That the owners of property on said street shall, within one year from the approval of this ordinance, file an agreement, satisfactory to the City Solicitor, indemnifying the City from all damages by reason of the striking of said street from the plan.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Schuylkill Navigation Company to lay a railroad track under Fountain street; to erect a bridge to carry Fountain street over the same, and to authorize a change of grade at Fountain street, between Nixon street and Umbria street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Schuylkill Navigation Company to lay a railroad track under Fountain street, immediately west of the Manayunk canal, and to build a bridge to carry Fountain street over the same; said bridge to be about twenty-five feet in length, of the same width as the existing bridge carrying Fountain street over the Mana-

yunk canal, and to be built in accordance with plans to be approved by the Department of Public Works.

SECT. 2. The Department of Public Works (Board of Surveyors) be hereby authorized to revise the grades of Fountain street, between Nixon street and Umbria street.

SECT. 3. Before this ordinance shall become effective or confer any authority upon the said Schuylkill Navigation Company, and before the Board of Surveyors shall revise the grades herein authorized, the said Schuylkill Navigation Company shall enter into an agreement, satisfactory to the City Solicitor, to pay the entire cost of the work herein authorized, including that part of the proposed change of grade of Fountain street as lies between Nixon street and the Manayunk canal; to forever maintain the said bridge herein authorized at their sole cost and expense, and to reconstruct it to such width, lines and grades as may hereafter be confirmed upon Fountain street whenever directed to do so by resolution of Councils, and to reinforce the intercepting sewer so as to protect the same from the railroad track to be placed thereover, for such distances on either side of Fountain street as may be considered necessary by the Department of Public Works, and in a manner satisfactory to said Department; and shall file a bond, satisfactory to the City Solicitor, indemnifying the City against any and all damages which may arise by reason of the construction of the said bridge, the construction and operation of the said railroad track and the change of grade of Fountain street, between Nixon street and the Manayunk canal. It is further provided that the Schuylkill Navigation Company shall pay into the City Treasury the sum of fifty (\$50) dollars for the printing of this ordinance.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Addison, American, Bonsall, Cedarhurst, Darien, Fairhill, Hadfield, Ithan, Ionic, London, Malcolm, Naomi, Newkirk, Norton, Penn, Philip, Sherman, Smedley, Spence, Springer, Sydenham, Toronto, Twenty-eighth and Waverly streets and Elkins avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to place on the City plan Addison street, of the width of twelve feet, from Camac to Twelfth street; American street, of the width of forty feet, from Ritner to Porter street, and from Fishers avenue to Delphine street; Bonsall street, of the width of twenty feet, from Sansom street to about one hundred and eighteen feet northwardly; Cedarhurst street, of the width of fifty feet, from Fifty-ninth street to Cobbs Creek Parkway; Darien street, of the width of forty feet, from Lycoming to Bristol street; Fairhill street, of the width of fifty feet, from Rockland to London street; Hadfield street, of the width of forty feet, from Fifty-third to Fifty-eighth street; Ithan street, of the width of forty feet, from Kingessing avenue to Greenway avenue; Ionic street, of the width as now opened and built upon, from Twenty-third to Twenty-fourth street; London street, of the width of fifty feet, from Fifth to Sixth street; Malcolm street, of the width of forty feet, from Fifty-third to Fifty-seventh street; Naomi street, of the width of forty feet, from Pechin to Mitchell street; Newkirk street, of the width of forty feet, from Reed to Dickinson street; Darien street, of the width of forty feet, from Luzerne to Lycoming street; Norton street, of the width of forty-five feet, from Sherman street to the offset in Sherman street; Penn street, of the width of forty feet, from Henry to Vaux street; Philip street, of the width of forty feet, from Ritner to Porter street; Sherman street, of the width of fifty feet, from Pomona street to Washington lane; Smedley street, of

the width of fifty feet, from Ruscomb street to Lindley avenue; Spencer street, of the width of sixty feet, from Ogontz avenue to Twentieth street; Springer street, of the width of thirty feet, from Crowson street southwestwardly to the dead end; Sydenham street, of the width of forty feet, from Ruscomb street to Lindley avenue; Toronto street, of the width of forty feet, from Sixteenth to Seventeenth street; Twenty-eighth street, of the width of sixty feet, from Clearfield street to Chalmers avenue; Waverly street, of the width of twelve feet, from Camac to Twelfth street; Elkins avenue, of the width of sixty feet, from Sixth to Fairhill street: *Provided*, That before said American, Cedarhurst, Darien, Hadfield, Ithan, Loudon, Malcolm, Naomi, Newkirk, Norton, Penn, Philip, Sherman, Spencer, Sydenham and Toronto streets, and Elkins avenue, shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all damages or claims for damages which may arise from placing the said streets on the plan and their subsequent opening to the confirmed lines and grades: *And Provided*, That before said Addison, Bonsall, Ionic, Springer and Waverly streets shall be placed on the plan, satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that the said streets have been open and in continuous public use for a period of at least twenty-one years, and before said Smedley street shall be placed on the plan, the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the bed of the same between Ruscomb street and Fishers lane on the lines and grades as confirmed by the Board of Surveyors, and also shall indemnify the City against all damages or claims for damages which may arise from the placing upon the City plan and its subsequent opening to the said lines and grades of the portion between Fishers lane and Lindley avenue, and before said Fairhill street shall be placed on the plan, satisfactory evidence shall be furnished, within one year

from the approval of this ordinance, that said street has been open and in use for a period of at least twenty-one years, and at least four-fifths of the owners of abutting property shall file an agreement releasing the City from all damages or claims for damages to their property which may arise from placing said street on the plan, and its subsequent opening to the confirmed lines and grades: *And Provided*, That the provisions of the ordinance of April 8, 1890, relating to streets extending in a straight line shall not apply to this portion of Fairhill street.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades on the east side of Wister street, from Cheltenham avenue to Wyncote street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be hereby authorized to revise the lines and grades on the east side of Wister street (formerly Stenton avenue), from Cheltenham avenue to Wyncote avenue: *Provided*, That the Cheltenham Avenue M. E. Church shall file an agreement, satisfactory to the City Solicitor, not to claim damages by reason of the proposed revision and by the subsequent opening and grading of the said street.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading and macadamizing of the opened portion of York road, from Loudon street to Fishers avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works is hereby authorized to enter into contracts for the grading and macadamizing of the opened portion of York road, from Loudon street to Fishers avenue. The cost of the said grading to be taken from Item No. 130 (loan), and the cost of the macadamizing from Item No. 133 (loan), in the appropriation to the Department of Public Works (Bureau of Highways).

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing a temporary loan of six hundred thousand (600,000) dollars for general municipal purposes.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Treasurer, under the supervision of the Committee on Finance, be authorized to borrow, on the faith and credit of the City of Philadelphia, the sum of six hundred thousand (600,000) dollars, for general municipal purposes. Said loan shall bear interest at a rate not exceeding 4 per cent. per annum, and shall be redeemable and payable at or within four months from its date, and for the sums so borrowed proper certificates shall be issued in the form prescribed by existing ordinances.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the grades of State road, between Holmesburg avenue and Pennypack creek.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the grades of State road, between Holmesburg avenue and Pennypack creek.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, certain warrants in payment for supplies heretofore furnished during the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Supplies be authorized to draw, and the City Controller to countersign, certain warrants in payment for supplies heretofore furnished aggregating eighteen thousand seven hundred and forty-five (18,745) dollars and seven (7) cents, chargeable against certain items in the annual appropriations for the year 1913, viz.: Department of Supplies: Item 1, Dunlap Printing Co., for pamphlets, one hundred and nineteen (119) dollars and eighty (80) cents; (Mayor): Item 4, Welsbach Company, for mantel, ninety (90) dollars; (Law): Item 10, Bingham Co., for printing, etc., fifty-five (55) dollars and ninety-two (92) cents; Dunlap Printing Co., for paper books, five hundred and fifty-five (555) dollars and eighty-six (86) cents; (Public Safety): Item 1, Albert Anderman, for printing, stationery, etc., nine hundred and forty-seven

(947) dollars and seventeen (17) cents; Dunlap Printing Co., for printing, etc., eighty-five (85) dollars and thirty (30) cents; Bingham Co., for printing, etc., one hundred and seventy-five (175) dollars and fifty-five (55) cents; Item 3, C. H. Ringgold, for butter, forty-two (42) dollars; Item 4, Union Petroleum Co., for gasoline, two hundred and four (204) dollars and eighteen (18) cents; Atlantic Refining Co., for gasoline, five hundred and twenty-five (525) dollars; Item 7, William S. Hansell & Sons, for harness, etc., two hundred and four (204) dollars and nine (9) cents; R. M. Hollingshead Co., for dressing, twenty-eight (28) dollars and eighty (80) cents; Item 10, Union Petroleum Co., for oil, etc., eighty-five (85) dollars and forty-eight (48) cents; Hoopes Bros. & Darlington, Inc., for wheels, two hundred and forty (240) dollars; James Boyd & Bro., Inc., for acid jars, four hundred and fifty-five (455) dollars and fifty (50) cents; Wilmington Brass Co., Inc., for pipe couplings, two hundred and twenty-five (225) dollars; Item 11, Jos. N. Snellenburg, for blankets, etc., one thousand five hundred and eighty-one (1,581) dollars and eighteen (18) cents; John Wanamaker, for dry goods, etc., ninety-five (95) dollars and seventy-six (76) cents; Ellis A. Gimbel, for dry goods, etc., one hundred and fifty-eight (158) dollars and thirty-five (35) cents; Textile Supply Co., for dry goods, etc., two hundred and ninety-seven (297) dollars and ninety-two (92) cents; Koenig & Kinderman, for dry goods, etc., three hundred and fifty-six (356) dollars and fifty (50) cents; Item 12, Geo. B. Clopp, for box posts, ninety-nine (99) dollars and sixty (60) cents; the Pringle Electrical Mfg. Co., for electrical supplies, nineteen (19) dollars; Phila. Electric Co., for electrical supplies, one hundred and four (104) dollars and eighty-eight (88) cents; Gamewell Fire Alarm and Telegraph Co., for switches, etc., two hundred and twenty (220) dollars; Chas. J. Field's Sons, for solder, etc., three hundred and eight (308) dollars and forty-three (43) cents; Item 14, Union Petroleum Co., for oil, three hundred and eighty-six (386) dollars and twelve (12) cents; Chas. J. Field's Sons, for hardware, etc., seventy-nine (79) dollars and eighty-eight (88) cents;

Atlantic Refining Co., for oil, eleven (11) dollars and eighty-five (85) cents; J. B. Shannon Hardware Co., for hardware, etc., one hundred and thirty-seven (137) dollars and ninety-one (91) cents; Cusack Hardware Co., for mops, etc., eighty-nine (89) dollars and ten (10) cents; Geo. A. Simm, for gas lime, one hundred and twenty-seven (127) dollars and thirty-four (34) cents; Eastburn & Co., for brooms, four hundred and twenty-seven (427) dollars and fifty (50) cents; J. Tritsch & Co., for sponges, one hundred and ninety-six (196) dollars; Henry F. Michell Co., for seed, etc., eighty-seven (87) dollars and thirty-eight (38) cents; (Bureau of Police): Item 127 (loan), Wm. S. Hansell & Sons, for blankets, etc., three hundred and twenty-four (324) dollars; Item 123 (loan), W. C. Kirk & Company, for coal, seventy-seven (77) dollars; (Public Health and Charities): Item 1, Albert Anderman, for stationery, printing., etc., three hundred and six (306) dollars and thirty-two (32) cents; Geo. W. Gibbons, for printing, fifty-one (51) dollars and one (1) cent; The Bingham Co., for printing, etc., ninety-nine (99) dollars and twenty (20) cents; Item 4, Shoemaker & Busch, for soap, seventy-five (75) dollars; Boyer & Co., for soap, sixty (60) dollars; Item 6, Atlantic Refining Co., for gasoline, two hundred and twenty-four (224) dollars; Union Petroleum Co., for gasoline, one hundred and eighty-five (185) dollars; Item 7, Chas. J. Field's Sons, for buckets, etc., thirty-six (36) dollars and sixty (60) cents; J. Steinberg, for brushes, twenty-one (21) dollars; Physicians' Supply Co., for straps, thirty-seven (37) dollars and twenty (20) cents; Item 8, Physicians' Supply Co., for mattresses, etc., seventy-eight (78) dollars and fifteen (15) cents; Smith, Kline & French Co., for drugs, etc., sixty-five (65) dollars and fifty (50) cents; John Wyeth & Bro., for drugs, etc., one hundred and thirty-one (131) dollars and twenty-five (25) cents; Shoemaker & Busch, for drugs and hospital supplies, four hundred and twenty (420) dollars and thirty-five (35) cents; Powers-Weightman-Rosengarten Co., for drugs, etc., one hundred and sixty-eight (168) dollars and four (4) cents; Edward A. Merkel, for drugs, fifty-one (51) dollars; R. Levick's Son & Co., for hospital sup-

pplies, twelve (12) dollars; Robt. Shoemaker & Co., for drugs, etc., thirty-seven (37) dollars and forty (40) cents; A. R. Underdown's Sons, for hospital supplies, twenty-eight (28) dollars and eight (8) cents; Item 9, Cusack Hardware Co., for hardware, etc., forty-seven (47) dollars and forty-five (45) cents; Jas. J. Quigley & Son., for iron, etc., six hundred and forty-seven (647) dollars and forty (40) cents; John Lucas & Co., Inc., for paint, etc., ninety-two (92) dollars and ten (10) cents; Walker & Kepler, for electrical supplies, two hundred and eight (208) dollars and fifty-one (51) cents; Yarnall Paint Co., for paints, seventy (70) dollars; D. Harper Argoe, for turpentine, seventy-eight (78) dollars; R. C. Remmey Son & Co., for brick, fifty-seven (57) dollars; J. B. Shannon Hardware Co., for hardware, etc., ninety-eight (98) dollars and thirteen (13) cents; Revere Rubber Co., for packing, fifty-four (54) dollars and twelve (12) cents; Chas. J. Field's Sons, for hardware, etc., one hundred and eight (108) dollars and six (6) cents; Shoemaker & Busch, for paints, etc., fifty-nine (59) dollars and twenty-six (26) cents; Item 10, Powers-Weightman-Rosengarten Co., for laboratory supplies, twenty-two (22) dollars and ten (10) cents; Item 13, Union Petroleum Co., for oil, twenty-three (23) dollars and forty-six (46) cents; Item 15, Shoemaker & Busch, for lime, etc., eighty-three (83) dollars and twelve (12) cents; Union Petroleum Co., for oil, etc., one hundred and forty-nine (149) dollars and forty (40) cents; Atlantic Refining Co., for oil, twenty-seven (27) dollars and forty-one (41) cents; (Public Works): Item 1, A. Pomerantz & Co., for filing cabinets, etc., one hundred and fifteen (115) dollars and forty-five (45) cents; E. F. Greathead, for printing, etc., eighty-one (81) dollars and forty (40) cents; Underwood Typewriter Co., for typewriter, etc., seventy-one (71) dollars and forty-two (42) cents; W. H. Hoskins Co., for stationery, etc., forty-one (41) dollars and eighty-five (85) cents; Remington Typewriter Co., for typewriters, etc., two hundred and forty-three (243) dollars and eighty-nine (89) cents; K. B. Paper Co., for paper, etc., one hundred and forty-one (141) dollars and forty-four (44) cents; F. Weber & Co., for stationery, forty-five (45)

dollars and twenty-three (23) cents; General Manifold Co., for printing, forty-six (46) dollars; Bingham Co., for printing, etc., seventy-six (76) dollars and five (5) cents; Williams, Brown & Earle, for draughting material, one hundred and eighty-four (184) dollars and forty-four (44) cents; Dunlap Printing Co., for printing, etc., one hundred and eleven (111) dollars and forty (40) cents; Ellis A. Gimbel, for stationery, etc., three hundred and eighty-eight (388) dollars and thirteen (13) cents; Albert Anderman, for stationery, etc., one hundred and fifty-six (156) dollars and six (6) cents; J. H. Weil & Co., for draughting materials, thirty-five (35) dollars and eighty-three (83) cents; Priestley Printers, for printing, forty-five (45) dollars and ten (10) cents; J. Edwin Lees Co., Inc., for printing, forty-seven (47) dollars and sixty (60) cents; Item 3, Nathan Trotter & Co., for lead, one hundred and forty-two (142) dollars and fifty-five (55) cents; Item 2, Union Petroleum Co., for gasoline, five hundred and ninety-two (592) dollars and ninety (90) cents; Item 5, Union Petroleum Co., for oils and grease, seventy-nine (79) dollars and two (2) cents; Johns Hopkins Oil Co., for oil, four hundred and two (402) dollars and twenty-six (26) cents; Vacuum Oil Co., for oil, two hundred and fifty-eight (258) dollars and sixty (60) cents; Guenther Lumber Co., for lumber, fifteen (15) dollars; Stokes Bros. Co., Inc., for lumber, twenty-six (26) dollars and twenty-two (22) cents; Ellwood Allen Lumber Co., for lumber, seventy-one (71) dollars and eighty-eight (88) cents; Chas. F. Felin & Co., for lumber, forty (40) dollars and fifty (50) cents; Charles Benton, for lumber, two hundred and nineteen (219) dollars; Jas. J. Quigley & Sons, for slate, eighty-eight (88) dollars; Item 8, Chas. J. Field's Sons, for hardware, etc., one hundred and twenty-eight (128) dollars and twenty-two (22) cents; E. M. Nichols, for couplings, sixty-one (61) dollars and twenty (20) cents; Ajax Lead Coating Co., for lead coating, forty-seven (47) dollars and thirty (30) cents; Seltzer-Klahr Hardware Co., for steel, one hundred and seven (107) dollars and forty-seven (47) cents; McArdle & Cooney, for fittings, etc., one hundred and seventy-six (176) dol-

lars and fifty-three (53) cents; Ford & Kendig Co., for fittings, etc., ninety-one (91) dollars and eighty-eight (88) cents; Horace T. Potts & Co., for steel, twenty-seven (27) dollars and eighty-one (81) cents; Jas. J. Quigley & Sons, for tin, etc., twenty-seven (27) dollars and forty-eight (48) cents; Item 13, Walker & Kepler, for electrical supplies, fifty-three (53) dollars and fifty-three (53) cents; Item 15, Guenther Lumber Co., for slats for benches, ninety-seven (97) dollars and fifty (50) cents; Item 16, Shoemaker & Busch, for soap, etc., forty-five (45) dollars and eighty (80) cents; Item 17, Stokes Bros. Co., Inc., for stakes, seventy-nine (79) dollars and seventy-five (75) cents; Ellwood Allen Lumber Co., for stakes, twenty-five (25) dollars; Union Petroleum Co., for oil, forty (40) dollars and four (4) cents; Chas. J. Field's Sons, for ladders, etc., eighty-eight (88) dollars and forty-nine (49) cents; Arthur H. Thomas, for laboratory supplies, one hundred and sixty-nine (169) dollars and forty-nine (49) cents; Shoemaker & Busch, for gelatine, etc., forty-three (43) dollars and eleven (11) cents; England Walton & Co., Inc., for leather, one hundred and fifteen (115) dollars and fifty (50) cents; (Highways): Item 123 (loan), Chas. J. Field's Sons, for tapes, two hundred and fifty-seven (257) dollars and eighty-seven (87) cents; (Wharves, Docks and Ferries): Item 3, A. Frosch, for meats, one hundred and fifty-five (155) dollars and ninety-one (91) cents.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Supplies to draw, and the City Controller to countersign, warrants in payment for supplies delivered between the awarding and executing of certain contracts.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That the Director of the*

Department of Supplies be authorized to draw, and the City Controller to countersign, warrants in amounts aggregating eighty-four thousand two hundred and ten (84,210) dollars and ninety-three (93) cents for supplies delivered between the awarding and executing of certain contracts, and chargeable against certain items as follows: Department of Supplies (Mayor): Item 5, McKee & Co., for coal, fifty-two (52) dollars and fifty (50) cents; (Safety), Item 2, A. Salus & Sons, for meats, etc., four hundred and sixty (460) dollars and fifty-seven (57) cents; Item 4, John C. Hancock & Co., for coal and wood, five hundred and thirty-two (532) dollars and thirty-four (34) cents; Walter C. Shipley, for coal, one hundred and eight (108) dollars and seventy-eight (78) cents; Frank F. Mathers, for coal, twenty (20) dollars and seven (7) cents; Robt. Henderson & Co., for coal, one hundred and eighty-six (186) dollars and fifty-nine (59) cents; Item 12, Walker & Kepler, for electrical supplies, three thousand and twenty-one (3,021) dollars and thirty (30) cents; Western Electric Co., for electrical supplies, one thousand two hundred and eighty-six (1,286) dollars and eighty-one (81) cents. (Public Health and Charities): Item 1, Ellis A. Gimbel, for stationery, etc., seventy-six (76) dollars and eighty-four (84) cents; Item 3, Roesch Packing Co., for fish, etc., thirty-one (31) dollars and sixty-eight (68) cents; Andrew Frosch, for meats, five hundred and seventy-seven (577) dollars and sixty-six (66) cents; Item 4, Francis H. Leggett & Co., for groceries, seven hundred and forty-six (746) dollars and twenty-one (21) cents; John Price & Co., for groceries, four hundred and sixty-two (462) dollars and forty-four (44) cents; Thomas Roberts & Co., for groceries, three hundred and fifty-six (356) dollars and seventy-six (76) cents; Githens, Rexamer & Co., for groceries, seventy-three (73) dollars and seventy-five (75) cents; The Fleischmann Co., for yeast, one hundred and seventy-two (172) dollars and fifty (50) cents; Shanahan Ice Cream Co., for ice cream, two hundred and thirty (230) dollars and nine (9) cents; Philip Hoffman, for eggs, two thousand six hundred and fifty-nine (2,659) dollars and twenty-three (23) cents; Edson

Brothers, for butter, three thousand three hundred and fifty-one (3,351) dollars and twenty-two (22) cents; Item 6, Robt. Henderson & Co., for coal, eight hundred and five (805) dollars and sixty-two (62) cents; Item 7, Thomas J. Fleming, for brushes, two hundred (200) dollars; Rhoads & Fillman, for dry goods, etc., five hundred and fifty-two (552) dollars and seventy-three (73) cents; Johnson & Johnson, for lint, six hundred and sixty (660) dollars; Philip Silverman, for hats, forty (40) dollars and fifty (50) cents; Eastburn & Co., for brooms, one hundred and fifty-three (153) dollars and fifty (50) cents; I. H. Wisler & Son, for furniture, one hundred and eighty-one (181) dollars and seven (7) cents; Ellis A. Gimbel, dry goods, etc., six hundred and nineteen (619) dollars and eighty-one (81) cents; Jos. N. Snellenburg, for dry goods, etc., sixty-one thousand nine hundred and twenty-seven (61,927) dollars and fifty (50) cents; Textile Supply Co., for dry goods, etc., two thousand three hundred and seventy-six (2,376) dollars and eleven (11) cents; Samuel D. Lit, for glassware, etc., ten (10) dollars and forty-one (41) cents; Blum Bros., Inc., for dry goods, etc., six hundred and twenty-seven (627) dollars and eighty-five (85) cents; Koenig & Kinderman, for dry goods, etc., seven hundred and sixty-three (763) dollars and sixty-five (65) cents; John Wanamaker, for dry goods, etc., eight hundred and fifteen (815) dollars and sixty-nine (69) cents. Wharves, Docks and Ferries): Item 3, Simon & Dunlap, for vegetables, etc., thirty-four (34) dollars and forty (40) cents; Roesch Packing Co., for meat, etc., thirty-four (34) dollars and seventy-five (75) cents.

Approved the twenty-fourth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the Civil Service Commission and the City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the Civil Service Commission and City Treasurer, for the year 1913, viz.: City Treasurer: From Item 4 (d), for sinking fund on new loans, four thousand two hundred and fifty (4,250) dollars, to the Civil Service Commission: To Item 1 (b), salaries of special or extra examiners, expert services, monitors, extra clerks or stenographers, two thousand five hundred (2,500) dollars; to Item 2, advertising, communication service, transportation of persons and subsistence of persons, one thousand seven hundred and fifty (1,750) dollars.

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To approve the sureties of James Robinson, Superintendent of the Bureau of Police; Carleton E. Davis, Chief of the Bureau of Water; William H. Ball, Chief of the Bureau of City Property, and Frank J. Gorman, City Commissioner.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Fidelity and Deposit Company, of Baltimore, Md., be, and is hereby approved as the surety of James Robinson, Superintendent of the Bureau of Police, in the sum of ten thou-

sand (10,000) dollars, for the faithful performance of his duties.

That the Fidelity and Deposit Company, of Baltimore, Md., be, and is hereby approved as the surety of Carleton E. Davis, Chief of the Bureau of Water, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

That the American Surety Company, of New York, be, and is hereby approved as the surety of William H. Ball, Chief of the Bureau of City Property, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

That the National Surety Company, of New York, be, and is hereby approved as the surety of Frank J. Gorman, City Commissioner, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To carry into effect the Act of Assembly, approved May 9, 1913, creating a Department of City Transit, and to make an appropriation therefor.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That from and after the first day of July, 1913, in accordance with the Act of Assembly, approved May 9, 1913, the Department of City Transit is hereby established. The said Department shall have charge, control and management of the transit facilities of the City.

SECT. 2. That the sum of one hundred and fifty thousand six hundred and twenty-five (150,625) dollars be, and the same is hereby appropriated, to the Department of City Transit out of temporary loan, as follows:

Item 1, for annual salaries, from July 1, 1913, at the following rates:

Administration.—Director, ten thousand (10,000) dollars; Assistant Director, four thousand (4,000) dollars; secretary, two thousand five hundred (2,500) dollars; clerk and accountant, one thousand four hundred (1,400) dollars; filing clerk and librarian, one thousand two hundred and fifty (1,250) dollars; stenographer, one thousand two hundred (1,200) dollars; chauffeur, one thousand two hundred (1,200) dollars; messenger, nine hundred (900) dollars.

Engineering Department.—Chief Engineer, six thousand (6,000) dollars; assistant engineer on designs, three thousand six hundred (3,600) dollars; assistant engineer in field, three thousand (3,000) dollars; assistant engineer on specifications, one thousand eight hundred (1,800) dollars; assistant engineer on specifications, one thousand five hundred (1,500) dollars; head draftsman, two thousand seven hundred (2,700) dollars; inspector of designs, two thousand seven hundred (2,700) dollars; four assistant engineers (squad bosses), two thousand two hundred (2,200) dollars each; four assistant engineers (squad bosses), two thousand (2,000) dollars each; architectural engineer, one thousand eight hundred (1,800) dollars; electrical engineer, one thousand eight hundred (1,800) dollars; five assistant engineers (transitmen), one thousand five hundred (1,500) dollars each; checker, two thousand four hundred (2,400) dollars; two checkers, one thousand eight hundred (1,800) dollars each; ten rodmen, nine hundred and sixty (960) dollars each; ten chainmen, seven hundred and twenty (720) dollars each; four tracers, six hundred (600) dollars each; twelve draftsmen, one thousand (1,000) dollars each; twelve draftsmen, one thousand two hundred (1,200) dollars each; twelve draftsmen, one thousand four hundred (1,400) dollars each; ten draftsmen, one thousand five hundred (1,500) dollars each; twelve draftsmen, one thousand six hundred (1,600) dollars each; twelve draftsmen, one thousand eight hundred (1,800) dollars each; stenographer, one thousand two hundred (1,200) dollars; stenographer, one thousand (1,000) dollars; three clerks, one thousand one hundred (1,100) dollars each; three clerks, nine hundred (900) dollars each; photographer,

one thousand four hundred (1,400) dollars; assistant photographer, one thousand two hundred (1,200) dollars; filing clerk, one thousand two hundred (1,200) dollars; filing clerk, one thousand (1,000) dollars, and messenger, nine hundred (900) dollars; total, one hundred and four thousand eight hundred and seventy-five (104,875) dollars.

Item 2, for stationery, stamps, telephone, telegraph, express and messenger service and incidentals, three thousand (3,000) dollars.

Item 3, for the purchase, equipment and maintenance of an automobile, four thousand two hundred (4,200) dollars.

Item 4, for transportation and general traveling expenses, seven hundred and fifty (750) dollars.

Item 5, for rent of offices in Bourse Building, four thousand five hundred (4,500) dollars.

Item 6, for moving, borings and securing data, etc., as to foundations and structures, three thousand three hundred (3,300) dollars.

Item 7, for consulting engineers, thirty thousand (30,000) dollars: *Provided*, That the Director of the Department of City Transit be authorized to enter into a contract with Ford, Bacon & Davis for said amount for a period of six months for such expert services as he may deem necessary.

SECT. 3. That the Director of the Department of City Transit shall be allowed, when it is, in his judgment, for the best interests of the City, to purchase or contract, without advertising, bills not exceeding five hundred (500) dollars.

Warrants shall be drawn by the Director of the Department of City Transit in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of certain sewers, to be paid for out of Item No. 131, seven million (7,000,000) dollar loan.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts for the construction of the following sewers, viz.: Commissioner street, from Martha to Collins street; Fifty-sixth street, from Hoffman avenue to Thomas avenue; Latona street, from Baltimore avenue to Sixty-first street; Lee street, from Snyder avenue to Jackson street; Levick street, from the Pennsylvania Railroad to Hegerman street; Martha street, from Clearfield to Elkhart street; Ruscomb street, from Twelfth to Thirteenth street; Ninth street, from Cayuga street to summit about two hundred and thirty-nine feet south; Shunk street, from the present sewer two hundred feet west of Eleventh street to Twelfth street; Wharton street, from Sixtieth to Sixty-first street; Duncannon avenue, from Tenth to Twelfth street; Lebanon avenue, from Sixty-fourth to Sixty-sixth street.

SECT. 2. That the Director of the Department of Public Works shall advertise, according to law, announcing that bids will be received for the sewers above authorized, and he shall allot them to the lowest responsible bidders, and it shall be a condition of the said contracts that the contractors shall accept the sums assessed upon the lines of said sewers in manner and form authorized by existing ordinances, and any excess over and above the said assessment, in addition to that provided for by ordinance, shall be charged to Item No. 131, seven million (7,000,000) dollar loan, of the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, That in all cases where the property on the lines of the sewers herein authorized is assessed at suburban rates the owners of property shall first file an agreement to pay the regular frontage charges.

SECT. 3. That the Director of the Department of Public Works is authorized to pay for inspections, borings and expenses incidental to the work of constructing said branch sewers from the item for the construction of branch sewers.

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved May 29, 1913, entitled "An Ordinance to authorize the construction of the following main sewers: Algard street, Cobbs creek intercepting sewer, Fifty-second street, Gunners Run relief in Indiana street, Hegerman street, J street, Kemble avenue, Ogontz avenue, Reed street, Rock Run sewer in Sixth street, Sanger street, Tulip street, Wingohocking sewer in Annsbury street."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved May 29, 1913, entitled "An Ordinance to authorize the construction of the following main sewers: Algard street, Cobbs creek intercepting sewer, Fifty-second street, Gunners Run relief in Indiana street, Hegerman street, J street, Kemble avenue, Ogontz avenue, Reed street, Rock Run sewer in Sixth street, Sanger street, Tulip street, Wingohocking sewer in Annsbury street," be altered and amended by striking out in Section 1 the words "Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Brookdale street; in Brookdale street, from Sixth to Seventh street; and in Seventh street, from Brookdale street to the creek north of Chew street," and inserting in lieu thereof the words "Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Tabor street; in Tabor street, from Sixth street to Seventh street; and in Seventh

street, from Tabor street to the creek north of Chew street."

That said ordinance be also altered and amended by striking out in Section 2 of said ordinance the words "Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Brookdale street; in Brookdale street, from Sixth street to Seventh street; and in Seventh street, from Brookdale street to the creek north of Chew street," and inserting in lieu thereof the words "Rock Run sewer in Sixth street, from the present terminus south of Tabor street to Tabor street; in Tabor street, from Sixth street to Seventh street; and in Seventh street, from Tabor street to the creek north of Chew street, twenty-five thousand (25,000) dollars."

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Designating the triangular plot of ground bounded by Seventeenth street, Passyunk avenue and Snyder avenue, in the Twenty-sixth Ward, as the John F. Reynolds Post Park.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the triangular plot of ground bounded by Seventeenth street, Passyunk avenue and Snyder avenue, in the Twenty-sixth Ward, be, and the same is hereby designated as the John F. Reynolds Post Park.

Approved the twenty-sixth day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the Department of Public Works to require owners of property abutting on both sides of Tabor street, from York road to the North Penn Branch of the Philadelphia and Reading Railway, and on the south side of Susquehanna avenue, from Bryn Mawr avenue to Fifty-second street, to connect with the footways already laid, to set curbs and lay footway pavements,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be directed to require owners of property abutting on both sides of Tabor street, from York road to the North Penn Branch of the Philadelphia and Reading Railway, and on the south side of Susquehanna avenue, from Bryn Mawr avenue to Fifty-second street, to connect with the footways already laid, to set curbs and lay footway pavements; and if the said owners of property shall fail to lay such footways and set curbs, as required, after twenty days' previous notice, in writing, from the Department of Public Works to do the said work, the said Department is hereby directed to cause said work to be done, the cost thereof to be assessed upon the property of such owner so in default.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the Department of Public Works to require owners of property abutting on both sides of Fairhill street, from Tabor road to Olney avenue, to set curbs and lay footway pavements.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be, and is hereby directed to require owners

of property abutting on both sides of Fairhill street, from Tabor road to Olney avenue, to set curbs and lay footway pavements; and if the said owners of property shall fail to set such curbs and lay such footway pavements, as required, after twenty days' previous notice in writing from the Department of Public Works to do the said work, the said Department is hereby directed to cause said work to be done, the cost thereof to be assessed upon the property of such owners so in default.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant in favor of the Filbert Paving and Construction Company for paving in front of Der Deutsche Verein fur Glieden Gemein.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized and directed to draw, and the City Controller to countersign, a warrant in favor of the Filbert Paving and Construction Company for three hundred and forty-two (342) dollars and eighty-three (83) cents for paving in front of property of Der Deutsche Verein fur Glieden Gemein on the east side of Park avenue and the north side of Hunting Park avenue, payment to be taken from Item 102 for paving intersections and in front of un-assessable property in the annual appropriation to the Bureau of Highways.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of Bellfield avenue, from Stenton avenue to Penn street, and Stenton avenue, from the angle south of Bellfield avenue to a point about 150 feet north of Bellfield avenue, and to do the necessary work appurtenant thereto.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works is hereby authorized to enter into contracts for the grading and the necessary appurtenant work on Bellfield avenue, from Stenton avenue to Penn street, and on Stenton avenue, from the angle south of Bellfield avenue to a point about 150 feet north of Bellfield avenue. The cost of said work to be taken from Item No. 130, in the appropriation to the Department of Public Works (Bureau of Highways), seven million (7,000,000) dollar loan.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Director of the Department of Public Safety to draw, and the City Controller to countersign, certain warrants in favor of the Bell Telephone Company of Pennsylvania for telephone service rendered the City of Philadelphia from January 1, 1913, to February 28, 1913 (inclusive); and in favor of the Keystone Telephone Company of Philadelphia for telephone service rendered the City of Philadelphia from January 1, 1912, to December 31, 1912 (inclusive), and from January 1, 1913, to March 31, 1913 (inclusive).

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the

Department of Public Safety and the City Controller be, and they are hereby authorized and directed to draw and countersign, respectively, warrants in favor of the Bell Telephone Company of Pennsylvania, to pay said Company's bills, as follows:

Telephone service and equipment for the use of the Electrical Bureau during the period, January 1, 1913, to February 28, 1913 (inclusive), in the sum total of five thousand six hundred and forty-nine (5,649) dollars and thirty-four (34) cents, which is at the rate covered by the telephone contract between the Bell Telephone Company of Pennsylvania and the City of Philadelphia for telephone service for the Electrical Bureau from March 1, 1913, to December 31, 1913; the same to be paid for from and charged against Item 15 (b), for telephone service from telephone companies in the annual appropriation to the Electrical Bureau (Department of Public Safety) for the year 1913.

SECT. 2. That the Director of the Department of Public Safety and the City Controller be, and they are hereby authorized and directed to draw and countersign, respectively, warrants in favor of the Keystone Telephone Company of Philadelphia, to pay said Company's bills, as follows:

Telephone service and equipment for the use of the Electrical Bureau during the period, January 1, 1912, to December 31, 1912 (inclusive), in the sum total of nine thousand six hundred and thirty-one (9,631) dollars and sixty-one (61) cents. Of this amount three thousand seven hundred and twenty-one (3,721) dollars and seventy-four (74) cents is to be paid for from and charged against Item 123, and the remaining five thousand nine hundred and nine (5,909) dollars and eighty-seven (87) cents is to be paid for from and charged against Item 15 (b); and telephone service and equipment for the use of the Electrical Bureau during the period, January 1, 1913, to March 31, 1913 (inclusive), in the sum total of two thousand and seventy (2,070) dollars and sixty-seven (67) cents, which is at the rate covered by the telephone contract between the Keystone Telephone

Company of Philadelphia and the City of Philadelphia for telephone service for the Electrical Bureau from April 1, 1913, to December 31, 1913; the same to be paid for from and charged against Item 15 (b), for telephone service from telephone companies in the annual appropriation to the Electrical Bureau, Department of Public Safety, for the year 1913.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Safety to expend such part of the balance of loan remaining after final payment under contract 3B, "Extension of the High Pressure Fire System in the Mill District," for additional equipment, etc., as may be necessary for the proper equipping of this system.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Director of the Department of Public Safety be, and he is hereby authorized and directed to draw and the City Controller to countersign warrants against Item 110 (loan) in the annual appropriation to the Department of Public Safety (Bureau of Fire), in payment of bills that may be incurred in the purchase, installation, and erection, where required, of such additional equipment, spare parts, and outfit (not included in the contracts 2B and 3B for the extension of this system) as may be necessary for the proper operation, prompt and efficient repair and final completion of this system in the Mill District as a whole.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Directing the paving of sidewalks on both sides of Thirteenth street, from Oak lane to Medary avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property on both sides of Thirteenth street, from Oak lane to Medary avenue, to pave, within sixty days after receiving said notice, the sidewalks of their property with concrete pavements, to the width of four feet.

SECT. 2. Should any property owners refuse or neglect to make said pavement for sixty days after notice has been given, the Department of Public Works shall enter into a contract without delay to have it made and charge the cost thereof to the owners of property in front of which it is made, and if the said cost is not paid within sixty days after a bill for the same has been presented, a claim shall be filed in the proper court for the amount thereof, which claim shall be a lien against the property and shall be collected in the same manner as other municipal claims are now by law collected.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of Fifty-ninth, Ruseomb and Cotton street and Roxborough and Leverington avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts for grading the following streets to the estab-

lished grade of the City, with the necessary drains, etc., viz.: Fifty-ninth street, to the width as legally opened, from Baltimore avenue to Angora avenue; Ruscomb street, from Twelfth to Thirteenth street; Cotton street, from Tower street to the foot of steps on Cotton street; Roxborough avenue, from Tower to Boone street, at the foot of steps; Leverington avenue, from Main to Umbria street. The cost of said work to be taken from Item No. 130, seven million (7,000,000) dollars loan, of the appropriation to the Department of Public Works (Bureau of Highways). In all cases where the material required to excavate or fill any legally opened streets within six blocks of the streets herein authorized to be graded can be interchangeably used, the Director of the Department of Public Works shall advertise for and award the contract so that the same shall be embodied in one and the same contract: *Provided*, That the grading shall be advertised for and the contracts awarded to the lowest responsible bidders.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Board of Recreation, City Controller and City Commissioners, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be authorized to make the following transfers in the annual appropriations to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and

Charities, Supplies, Board of Recreation, City Controller and City Commissioners, for the year 1913, viz.: Department of Public Safety (Electrical Bureau): From Item 1 (b), for wages, nine hundred and thirty-eight (938) dollars and fifty (50) cents; from Item 4 (b), wages, four hundred and forty-eight (448) dollars; from Item 6 (b), wages, one thousand two hundred (1,200) dollars; from Item 8 (b), wages, ten thousand (10,000) dollars; from Item 14 (c), salaries, etc., two thousand four hundred and sixty (2,460) dollars, and from Item 17 (a), salaries, five hundred (500) dollars; from Item 20, for reinforcing posts, etc., four thousand seven hundred (4,700) dollars; from Item 21 (b), for additional labor, etc., five thousand (5,000) dollars. Department of Public Works (Bureau of City Property): From Item 8 (a), for janitor grand and petit jury rooms and twenty-seven janitors of courts, ten thousand and eighty (10,080) dollars. Department of Public Health and Charities (Bureau of Health): From Item 4, for salaries, seven hundred and fifty (750) dollars. Bureau of Charities: From Item 35, for maintenance of buildings on the Brown farm, one thousand and sixty (1,060) dollars. Board of Recreation: From Item 1 (a), for salaries, eight thousand three hundred and forty (8,340) dollars. Department of Supplies: From Section 3, Item 4, for fuel, sixteen thousand five hundred (16,500) dollars. City Controller: From Item 3 (b), for printing, binding, etc., three hundred (300) dollars, to the following:

Department of Public Safety (Electrical Bureau): To Item 1 (c), for wages for temporary help (including clerical), nine hundred and thirty-eight (938) dollars and fifty (50) cents; to Item 15 (b), for telephone service, etc., four thousand one hundred (4,100) dollars; to Item 17 (b), wages, five thousand (5,000) dollars; to Item 17 (c), additional construction gang, one thousand two hundred (1,200) dollars.

Department of Public Works, Bureau of Highways: To Item 1½, to pay Elizabeth Hutt, widow of Frederick Hutt, for services rendered by him in January, 1912, as bridge repair laborer, eight (8) dollars.

Department of Public Health and Charities (Bureau of Health): To Item 3, Supplies, miscellaneous, four hundred (400) dollars; to Item 2 (c), to defray the funeral expenses, transportation, etc., of Dr. Wingo Williams, who died of scarlet fever contracted while on duty at the Municipal Hospital, three hundred and fifty (350) dollars. Bureau of Charities: To Item 14, so as to provide for a matron at six hundred and eighty (680) dollars per annum, and three attendants not to exceed forty (40) dollars per month each, from July 1st at Brown farm, one thousand and sixty (1,060) dollars.

Department of Supplies: To Section 3, Item 12, for electric instruments, cable, material, etc., thirty thousand five hundred (30,500) dollars.

Board of Recreation: To Item 1 (b), for temporary employees, etc., two thousand eight hundred and forty (2,840) dollars; to Item 4 (c), for bath house repairs, etc., three thousand (3,000) dollars; to Item 5 (a), for play material, etc., two thousand five hundred (2,500) dollars.

City Controller: To Item 2 (b), for incidental expenses, postage, etc., three hundred (300) dollars.

City Commissioners: To Item 5 (a), so as to provide for janitor, grand and petit jury rooms, and twenty-seven court janitors at seven hundred and twenty (720) dollars per annum each, from July 1st, as required by Act of Assembly, ten thousand and eighty (10,080) dollars.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Second and Third Streets Passenger Railway Company of Philadelphia, and its lessee, the Philadelphia Rapid Transit Company, to construct extensions and loops of its tracks and overhead trolley system on Front street at the intersection of Market street.

WHEREAS, In order to provide for the re-routing of its system and the operation of the new nearside car upon its lines terminating at the foot of Market street the Philadelphia Rapid Transit Company, on behalf of its various leased lines, has requested permission to build a loop at the foot of Market street, part of which will occupy private property purchased by the Philadelphia Rapid Transit Company; and

WHEREAS, The Second and Third Streets Passenger Railway Company of Philadelphia, one of the companies leased and operated by the Philadelphia Rapid Transit Company, has charter rights on Front street, between Market and Arch streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That consent is hereby given to the Second and Third Streets Passenger Railway Company of Philadelphia, and its lessee, the Philadelphia Rapid Transit Company, to construct a loop and extension consisting of a single track with the overhead trolley system as follows, to wit: A loop connecting with the east-bound track on Market street at or near Front street, curving north on Front street for a distance of one hundred feet, more or less; thence curving west and south over private right of way fronting on Front street and Market street and connecting with the west-bound track on Market street at a distance of one hundred feet, more or less, west of Front street, with all necessary curves, switches and connections, including a connection with and extension to tracks already laid on the east side of Front street, between Arch and Market streets.

The extension hereby authorized is to be constructed,

maintained and operated subject to all the terms and conditions of the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company, dated July 1, 1907: *Provided*, That the Philadelphia Rapid Transit Company shall agree to maintain a flagman on the north side of Market street for the protection of the general public: *Provided*, That the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To regulate the running of street railway cars in the City of Philadelphia.

WHEREAS, The operation of street railway cars upon the streets of the City should be so regulated as to provide for the safety of the traveling public and in so far as is compatible with that safety give rapid transit to the people; and

WHEREAS, It is in the interest of the public to know the rules governing the operating of cars and that such operation should be specially controlled at points where accidents would otherwise be liable to happen,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it shall be unlawful to operate any street railway car in front of any public school or within one hundred and fifty feet on either side of the same at a speed of upwards of five miles an hour, between the hours of 8 A. M. and 5 P. M. (except during vacation period), and it shall be unlawful at any hour to operate a street railway car in front of any fire station or within a distance of fifty feet each side of it at a greater speed than that named herein.

SECT. 2. The motorman of every street railway car shall bring it to a full stop on the near side of all main

streets, between Spring Garden street on the north and South street on the south, inclusive, and between the Delaware river on the east and Sixteenth street on the west, inclusive, and at the near side of Broad street and Diamond street. At all other main street intersections within the built-up portion of the City he must make a safety stop, namely: The car shall be reduced to a speed of not exceeding five miles per hour at the near side building line, and, in addition to the full stop and safety stop provided for herein, it shall be the duty of every motorman to sound the gong before crossing any main street in the City of Philadelphia, whether or not the street is occupied by street railway tracks.

SECT. 3. It shall be unlawful for any railway or traction company to run any car upon any portion of the streets or highways within the section bounded on the north by Spring Garden street, on the south by South street, and between the Delaware river on the east and Sixteenth street on the west, faster than an average of nine miles per hour, and in the districts outside of said section not faster than an average of twelve miles per hour.

SECT. 4. Cars running north and south shall have the right of way over cars running east and west at all intersections. All passenger railway tracks running along streets cutting the squares diagonally shall be considered as running north and south for the purpose of this ordinance.

SECT. 5. The penalty for any violation of this ordinance shall be five (5) dollars for each and every offence, to be collected from the motorman offending, as now provided by law for violation of City ordinances, and it shall be the duty of the Department of Public Safety to prosecute motormen for all violations of this ordinance. All ordinances or parts of ordinances regulating the operation of street railway cars in the City of Philadelphia inconsistent herewith are hereby repealed.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the payment of certain bills out of the appropriation to the Department of Public Works (Bureau of Highways), for emergency repairs to meadow banks.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized and directed to draw, and the City Controller to countersign, warrants in favor of the Atlantic Dredging Company in the sum of four hundred and forty-seven (447) dollars for dredging Darby creek, Delaware County; Rickards Dredging Company for the sum of four hundred and twenty-five (425) dollars and twenty-five (25) cents for dredging Darby creek, Delaware County, and two thousand six hundred and ten (2,610) dollars for dredging the Delaware river, Delaware County, and three hundred and five (305) dollars and ninety (90) cents for furnishing labor (laborers at two (2) dollars per day and foremen at three (3) dollars per day); Stille C. Chew in the sum of three hundred and one (301) dollars and eighty-eight (88) cents for dredging Darby creek, Delaware County, and seven hundred and fifty-three (753) dollars and seventy-five (75) cents for dredging the Delaware river, Delaware County, and to the following for City employees for inspection, as follows: Walter D. Craig in the sum of one hundred and thirty-six (136) dollars, Daniel Unruh in the sum of ninety-six (96) dollars, Frederick Sultzberger in the sum of seventy-two (72) dollars, Cornelius McHugh in the sum of sixteen (16) dollars, William Steel in the sum of twenty-five (25) dollars and eighty (80) cents, Joseph Gallagher in the sum of seventy-two (72) dollars, William J. Godfrey in the sum of seventy (70) dollars, as per certified bills and pay rolls on file in the Bureau of Highways, Department of Public Works; total, five thousand three hundred and thirty-one (5,331) dollars and fifty-eight (58) cents; said warrants to be drawn against Item 14 (c) in the an-

nual appropriation to the Department of Public Works (Bureau of Highways), for emergency repairs to meadow banks.

Approved the third day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the paving of A, Almond, American, Angora, Ashland, Bristol, Broomall, Brown, Cayuga, Cedarhurst, Chancellor, Chestnut, Chew, Darien, Delancey, Dickinson, Edgemont, Elliott, Eighth, Fairhill, Foulkrod, Fox, Front, Fourth, Fifth, Forty-ninth, Fiftieth, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-eighth, Fifty-ninth, Gross, Harrison, Hurley, I, Jackson, Jefferson, Kip, Latona, Lawrence, League, Lee, Loudon, Ludlow, Luzerne, Margaret, Martha, McClellan, Moore, Mulberry, Ninth, Overington, Percy, Reed, Ritner, Salmon, Sansom, Sepviva, Smedley, Spruce, Stockley, Sixth, Seventh, Seventeenth, Sixty-second, Sixty-seventh, Tabor, Tasker, Thompson, Tioga, Tulpehocken, Third, Twelfth, Thirteenth, Twentieth, Twenty-first, Twenty-sixth, Thirtieth, Twenty-seventh, Venango, Walnut, Westmoreland, Willard, Wingohocking, Wishart and Wittee streets; Florence, Greenway, Hoffman, Hunting Park, Hunting Park avenue extension, Indiana, Lindley, Olney, Torresdale and Wellens avenue; Cobbs Creek Parkway, Fifth, Arbutus, Annsbury, Ardleigh, Camac, Cloud, Dupont, Eleventh, Fifteenth, Gerhard, Hermit, Horter, Hutchinson, London, Mannheim, Melvale, Marvine, Mitchell, Newkirk, Norton, Pratt, Ross, Ruscomb, Sharp, Sheldon, Sherman, Stewart, Sydenham, Third, Tenth, Twelfth, Warnock and Wingohocking streets; Duncannon, Fishers, Lindley,

Sedgley, Windrim, Wagner and Wayne avenues, Oxford pike, Passyunk and Sedgley avenues, Cotton street, Roxborough avenue and Upsal street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to enter into contracts with competent pavers for paving the following streets with the best quality of refined natural asphalt, using vitrified brick gutters when and where deemed necessary by the Director of the said Department, viz.: A street, from Allegheny avenue to Westmoreland street; Almond street, from Orthodox to Lefevre street; Angora street, from Thomas avenue to Fifty-fifth street; American street, from Tabor street to Clarkson avenue; Ashland street, from Lewis street to Frankford creek; Bristol street, from Third to Fifth street, and from Eighth to Ninth street; Broomall street, from Fifty-sixth to Fifty-seventh street; Brown street, from Forty-eighth to Forty-ninth street; Cayuga street, from Sixth to Ninth street; Cedarhurst street, to the width as legally opened, from Fifty-ninth street to Cobbs Creek Parkway; Chancellor street, from Fifty-fourth to Fifty-fifth street; Chestnut street, from Sixty-second street to Cobbs Creek Parkway; Chew street, from Third to Fifth street; Darien street, from Hunting Park avenue to Bristol street; Delancey street, from Fifty-sixth to Allison street; Dickinson street, from Thirtieth to Thirty-third street; Edgemont street, from Orthodox to Berkshire street; Elliott street, from Fifty-sixth to Fifty-seventh street; Eighth street, from Lycoming to Bristol street, and from Cayuga street to Boulevard; Fairhill street, from Lindley avenue to Fishers avenue, and from London to Rockland street; Foulkrod street, from Castor road to the Boulevard; Fox street, from Allegheny avenue to Hunting Park avenue; Front street, from Tioga street to Nicetown lane; Fourth street, from Somerville avenue to Tabor street, and from Olney avenue to Chew street; Fifth street, from Somerville avenue to Grange avenue; Forty-ninth street, from Reno to Aspen street; Fiftieth street, from Spruce to Pine street; Fifty-

third street, from Thomas avenue to Whitby avenue; Fifty-fourth street, from Cedar avenue to Larchwood avenue; Fifty-fifth street, from Thomas avenue and Fifty-sixth street to P. B. C. R. R.; Fifty-sixth street, from Thomas avenue to Hoffman avenue; Fifty-eighth street, from Media street to Lansdowne avenue; Fifty-ninth street, from Baltimore avenue to Angora avenue; Gross street, from Jefferson street to Malvern avenue; Harrison street, from Castor road to Horrocks street; Hurley street, from Ontario to Tioga street; I street, from Tioga to Venango street; Jackson street, from Twentieth to Twenty-second street; Jefferson street, from Fifty-ninth to Sixtieth street; Kip street, from Allegheny avenue to Westmoreland street; Latona street, from Thirtieth street westward; Lawrence street, from Tabor street to Olney avenue; League street, from Twentieth street eastward to present paving; Lee street, from Tioga to Venango street; Loudon street, from Fifth to Sixth street; Ludlow street, from Markoe to Forty-sixth street; Luzerne street, from Eighth to Thirteenth street, and from Germantown avenue to Wayne avenue; Margaret street, from Little Tacony creek to Worth street; Martha street, from Somerset to Silver street; McClellan street, from Point Breeze avenue to Twenty-fourth street; Moore street, from Twenty-fourth to Twenty-eighth street; Mulberry street, from Harrison street to 283 feet northeast of Harrison street; Ninth street, from Bristol to Cayuga street; Overington street, from Richmond to Allen street; Percy street, from Pike to Luzerne street; Reed street, from Twenty-fifth to Twenty-sixth street, and from Thirty-first to Thirty-fourth street; Ritner street, from Twenty-first to Twenty-second street; Salmon street, from Orthodox to Berkshire street; Sansom street, from Sixty-second street to Cobbs Creek Parkway; Sepriva street, from Venango street to 312 feet north of Venango street; Smedley street, from Pike to Luzerne street; Spruce street, from Sixty-second street to Cobbs Creek Parkway; Stockley street, from Hunting Park avenue to Roberts avenue; Sixth street, from Cayuga to Annsbury street; Seventh street, from Cayuga to Boulevard; Seventeenth street, from Butler to Pike street; Sixty-

second street, from Catharine street to Washington avenue, and from Cedar avenue to Hazel avenue; Sixty-seventh street, from P., W. & B. R. R. to Elmwood avenue; Tabor street, from Front to Second street; Tasker street, from Twenty-eighth to Twenty-ninth street; Thompson street, from Orthodox to Berkshire street; Tioga street, from B to J street; Tulpehocken street, from Germantown avenue to Morton street; Third street, from Somerville avenue to Chew street; Twelfth street, from Sixty-fifth avenue to Sixty-sixth avenue; Thirteenth street, from Luzerne to Kerbaugh street; Twentieth street, from Erie avenue to Butler street; Twenty-first street, from Indiana avenue to Cambria street; Twenty-sixth street, from Allegheny avenue to Clearfield street, and from Tasker to Moore street; Thirtieth street, from Reed to Tasker street; Twenty-seventh street, from Morris to Moore street; Venango street, from Tulip street to Aramingo avenue; Walnut street, from Sixty-second street to Cobbs Creek Parkway; Westmoreland street, from Fox street to Hunting Park avenue; Willard street, from Lee to Kip street; Wingo-hocking street, from Sixth to Seventh street; Wishart street, from Twenty-ninth to Thirtieth street; Wittee street, from Venango street to 299 feet north of Venango street; Florence avenue, from Fifty-eighth to Fifty-ninth street; Greenway avenue, from Fifty-fifth to Fifty-sixth street; Hoffman avenue, from Fifty-sixth to Fifty-seventh street; Hunting Park avenue, from Sixth to Ninth street; Hunting Park avenue extension, from York road to Bristol street; Indiana avenue, from Twenty-fourth to Twenty-sixth street; Lindley avenue, from Fourth to Fifth street; Olney avenue, from Third to Mascher street; Torresdale avenue, from Oxford street to Frankford avenue; Wellens avenue, from A to Rising Sun avenue, and from Third to Fourth street; Cobbs Creek Parkway, from Market to Walnut street.

The following streets with asphalt shoulders and dressed granite blocks between rails, using vitrified brick gutters when and where deemed necessary by the Director of the Department of Public Works, viz.: Fifth street, from Annsbury street to Olney avenue.

The following streets with vitrified fire clay or shale bricks or blocks, viz.: Arbutus street, from Wayne avenue to Lincoln drive; Annsbury street, from Eleventh to Twelfth street; Ardleigh street, from Cheltenham avenue to Price street; Camac street, from Courtland to Wingohocking street, and from Fishers avenue to Somerville avenue; Cloud street, from Meadow to Plum street; Dupont street, from Fleming street to Manayunk avenue; Eleventh street, from Courtland to Wingohocking street, and from Duncannon avenue to Windrim avenue; Fifteenth street, from Ruscomb street to Fishers lane; Gerhard street, from Ridge avenue to Mitchell street; Hermit street, from Mitchell street to Ridge avenue; Hortter street, from Germantown avenue to Musgrave street; Hutchinson street, from Lindley avenue to Fishers avenue; Loudon street, from Greene street to Wayne avenue; Mannheim street, from Germantown avenue to Wayne avenue; Melvale street, from Sarah to Allen street; Marvine street, from Duncannon avenue to Windrim avenue, and from Courtland to Wingohocking street; Mitchell street, from Ridge avenue to Seville street, and from Hermitage to Leverington street; Newkirk street, from Wharton to Dickinson street; Norton street, from Sherman to offset in Sherman street; Pratt street, from Eadom to James street; Ross street, from Sharpnack to Hortter street; Ruscomb street, from Tenth to Eleventh street, and from Fifteenth to Sixteenth street; Sharp street, from Harvey to Dawson street; Sheldon street, from Hermitage to Ripka street; Sherman street, from Pomona street to Washington lane; Stewart street, from Fifty-sixth to Fifty-seventh street; Sydenham street, from Ruscomb street to Fishers lane; Third street, from Wingohocking to Annsbury street; Tenth street, from Lindley avenue to Fishers avenue, and from Courtland to Wingohocking street; Twelfth street, from Courtland to Wingohocking street; Warnock street, from Lindley avenue to Windrim avenue, and from Courtland to Wingohocking street; Wingohocking street, from York road to Boulevard; Duncannon avenue, from Tenth to Twelfth street, and from Broad street to York road; Fishers avenue, from Rising

Sun avenue to Mascher street, and from Second to Fifth street; Lindley avenue, from Ninth to Tenth street, and from York road to Broad street; Sedgley avenue, from Marshall street to Richmond Branch, P. & R. R. R.; Windrim avenue, from Tenth to Twelfth street; Wagner avenue, from Eleventh to Twelfth street; Wayne avenue, from Lincoln drive to Hortter street, and from Hortter to Arbutus street; also, with macadam, with vitrified brick gutters, the following, viz.: Oxford pike, from Leiper street to the Boulevard.

The following streets with dressed granite blocks, viz.: Passyunk avenue, from Twenty-first to Schuylkill avenue; Sedgley avenue, from Seventh to Ninth street; Cotton street, from Tower street to the foot of steps on Cotton street; Roxborough avenue, from Tower to Boone street, at the foot of steps.

The following streets with an 18-foot center strip of bituminous macadam, waterbound macadam shoulders and vitrified brick gutters, viz.: Upsal street, from Wayne avenue to Wissahickon avenue.

The portion of the work to be paid for by the City shall be taken from the item for intersections in the appropriation to the Department of Public Works (Bureau of Highways). The conditions of the contracts shall be that the contractors shall collect the cost of paving from the owners of property respectively fronting on said streets, and shall enter into an obligation with the City to keep said streets in good repair for five years after the paving is finished: *Provided*, That said streets shall be first dedicated or properly opened, and that the Director of the Department of Public Works shall advertise for proposals for paving said streets and award the contracts to the lowest responsible bidders, and that the owners of property fronting on said streets shall not be charged more than the contract price.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the third day of July, A. D. 1913.

RUDOLPH BLANKENBURG, •

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers and to increase certain salaries in the annual appropriation to the Department of Public Works (Bureau of Surveys), for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be authorized to make the following transfers for the purpose of increasing certain salaries in the annual appropriation to the Department of Public Works (Bureau of Surveys), for the year 1913, viz.: From Item 6, for salaries, eight hundred and thirty-one (831) dollars and ninety-five (95) cents; from Item 8, for salaries, four thousand seven hundred and seventy-seven (4,777) dollars and fifty-five (55) cents; from Item 18, for salaries, one thousand nine hundred and sixty (1,960) dollars; from Item 19 (a), for salaries, one thousand one hundred (1,100) dollars and fifty (50) cents; total, eight thousand six hundred and seventy (8,670) dollars, to the following: To Item 6, so that the salaries of draftsmen (three) shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of nine hundred (900) dollars per annum, from July 1st, four hundred and fifty (450) dollars; to Item 8, so that the salaries of the principal assistants (ten) shall be at the rate of two thousand (2,000) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per annum; first assistants (twenty) at the rate of one thousand four hundred (1,400) dollars per annum in lieu of one thousand two hundred (1,200) dollars per annum; second assistants (nineteen) at the rate of one thousand (1,000) dollars per annum in lieu of nine hundred and sixty (960) dollars per annum; draftsmen (twelve) at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum; transitmen (thirty) at the rate of nine hundred (900) dollars per annum in lieu of eight hundred and forty (840) dollars per annum; rodmen (twenty-eight) at the rate of eight

hundred (800) dollars per annum in lieu of seven hundred and twenty (720) dollars per annum; rodmen (three) at the rate of eight hundred (800) dollars per annum in lieu of seven hundred and sixty (760) dollars per annum; chainmen (fourteen) at the rate of five hundred (500) dollars per annum in lieu of four hundred and eighty (480) dollars per annum; said increases to date from July 1st; total, six thousand eight hundred (6,800) dollars; to Item 12, for salaries, so that the salary of the assistant engineer, field corps, shall be at the rate of two thousand (2,000) dollars per annum in lieu of one thousand eight hundred (1,800) dollars per annum; draftsman at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum; draftsman at the rate of one thousand two hundred (1,200) dollars per annum in lieu of nine hundred (900) dollars per annum; transitman at the rate of nine hundred (900) dollars per annum in lieu of eight hundred and forty (840) dollars per annum; rodman at the rate of eight hundred (800) dollars per annum in lieu of seven hundred and twenty (720) dollars per annum; said increases to date from July 1st; total, four hundred and twenty (420) dollars; to Item 14, for salaries, so that draftsmen (three) shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum; draftsmen (two) at the rate of one thousand two hundred (1,200) dollars per annum in lieu of nine hundred (900) dollars per annum; sewer clerk at the rate of one thousand four hundred (1,400) dollars per annum in lieu of one thousand two hundred (1,200) dollars per annum; said increases to date from July 1st; total, seven hundred (700) dollars; to Item 17, for salaries, so that the salary of draftsman shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand (1,000) dollars per annum, from July 1st, one hundred (100) dollars; to Item 19 (a), for salaries, so that the salaries of two draftsmen shall be at the rate of one thousand two hundred (1,200) dollars per annum in lieu of one thousand

(1,000) dollars per annum, from July 1st, two hundred (200) dollars; total, eight thousand six hundred and seventy (8,670) dollars.

Approved the third day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the physical widening and improvement of Delaware avenue, from Christian street to Bigler street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into contracts for the work necessary for the physical widening, grading, paving or repaving, curbing, repaving of footways, construction of sewers, alteration of sewers, water and gas mains and services and electrical conduits or other underground structures, so as to complete the physical work of widening and improving Delaware avenue, to its full width, as now upon the City plan, from Christian street to Bigler street, and to charge the cost of the said work to Item 133 (loan) of the appropriation to the Department of Public Works (Bureau of Surveys).

SECT. 2. The Director of the Department of Public Works be, and is hereby authorized to appoint such assistants, engineers and inspectors as may be requisite, and to pay all expenses for salaries, services, inspection, tests, transportation and incidental expenses not otherwise provided for out of the appropriation for this work.

Approved the third day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit the Department of Public Works (Bureau of Highways) to remove a portion of a drinking fountain from the center of Spring Garden street, at about the west house line of Twelfth street, and to re-erect the same in the center of Spring Garden street, about one hundred and fifty (150) feet east of the east house line of Ridge avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission is hereby granted to the Department of Public Works (Bureau of Highways) to remove that portion of the fountain used by beasts, and erected by the Philadelphia Fountain Society, from money bequeathed by Mary Rebecca Darby Smith, from its present location in the center of Spring Garden street, at about the west house line of Twelfth street, to a location in the center of Spring Garden street, about one hundred and fifty (150) feet east of the east house line of Ridge avenue.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Appropriating to the Department of Public Works (Bureau of Highways) the additional payment of the Philadelphia Rapid Transit Company for pavement maintenance.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That inasmuch as the Philadelphia Rapid Transit Company has occupied with their tracks additional streets and roads to those listed in the agreement of July 1, 1907, and inasmuch as the

additional payment over and above the annual payment of five hundred thousand (500,000) dollars amounts to four thousand one hundred and ten (4,110) dollars and seventy (70) cents, and such amount having been deposited with the City Treasurer, that four thousand one hundred and ten (4,110) dollars and seventy (70) cents be appropriated to Item 15 (b) in the annual appropriation to the Department of Public Works (Bureau of Highways), for the year 1913.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To extend the time within which the bed of Cora street, from Ogontz avenue to Twentieth street, may be dedicated to the City.

WHEREAS, By ordinance approved the fifteenth day of June, A. D. 1911, the Department of Public Works (Board of Surveyors) was authorized and directed to place on the City plan Cora street, from Ogontz avenue to Twentieth street: "*Provided*, That before said street should be placed on the City plan, the owners of property within the lines thereof should, within one year from the approval of the ordinance, dedicate the bed of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or should indemnify the City against all damages or claims for damages which might arise from placing said street on the plan and its subsequent opening to confirmed lines and grades;"

AND WHEREAS, The deed of dedication was not presented in accordance with the said ordinance:

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the time within which dedication to the City of Philadelphia of the bed of

Cora street, from Ogontz avenue to Twentieth street, was to have been made in accordance with the ordinance approved June 15, 1911, be and the same is hereby extended for a further period, not to exceed sixty days from the official approval of this ordinance, so as to enable the Board of Surveyors to approve said deed of dedication within said sixty days.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved August 18, 1911, entitled "An Ordinance to authorize the opening of Fifteenth street, from Ruscomb street to Somerville avenue."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved August 18, 1911, entitled "An Ordinance to authorize the opening of Fifteenth street, from Ruscomb street to Somerville avenue," be altered and amended by striking out, both in the title and first section of said ordinance the words, "Ruscomb street" after the words "Fifteenth street, from" and by adding the words "the right-of-way line of the Tabor Branch of the Philadelphia & Reading Railway Company," so that the same shall read "Fifteenth street, from the right-of-way line of the Tabor Branch of the Philadelphia & Reading Railway Company to Somerville avenue."

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance approved May 4, 1911, entitled "An Ordinance to authorize the opening of Ruscomb street, from Fifteenth street to Bellfield avenue."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance approved May 4, 1911, entitled "An Ordinance to authorize the opening of Ruscomb street, from Fifteenth street to Bellfield avenue," be altered and amended by striking out, both in the title and the first section of said ordinance the words "Fifteenth street" after the words "Ruscomb street, from," and by adding the words "the right-of-way line of the Tabor Branch of the Philadelphia & Reading Railway Company," so that the same shall read "Ruscomb street, from the right-of-way line of the Tabor Branch of the Philadelphia & Reading Railway Company to Bellfield avenue."

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the West Philadelphia Bank to erect and maintain a clock on the sidewalk in front of its property on the west side of Fifty-second street, 118 feet south of Ludlow street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the West Philadelphia Bank to erect and maintain a clock, with a base not exceeding twenty-four inches and a dial not exceeding thirty-six inches, on the sidewalk in front of its property on the west side of Fifty-second street, 118 feet south of Ludlow street.

The said clock shall be erected under the supervision and to the satisfaction of the Department of Public Works, and shall have no advertisement other than the name thereon, and shall be removed at any time upon the passage of an ordinance to that effect: *Provided*, That said West Philadelphia Bank first pay the sum of fifty (50) dollars into the City Treasury for the publication of this ordinance.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Island avenue, from Elmwood avenue to Eastwick avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Island avenue, from Elmwood avenue to Eastwick avenue, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Sprague street, from Mt. Airy avenue to Gowen avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Sprague street, from Mt. Airy avenue to Gowen avenue, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To revise the curb lines and grades on the south side of Walnut street, between West Washington Square and a point about 135 feet eastward therefrom.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to revise the curb lines and grades on the south side of Walnut street, between West Washington Square and a point about 135 feet eastward therefrom: *Provided*, That the proper officers of the Philadelphia Rapid Tran-

sit Company first file an agreement, satisfactory to the City Solicitor, to make the necessary changes at the company's expense.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the purchase of a tract of land for a sewage disposal plant for the Department of Public Health and Charities, and to make an appropriation therefor.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and is hereby directed to examine the title to the following:

All that certain water grist mill, tenement and lot or piece of ground situate partly in the Thirty-fifth Ward (late Twenty-third Ward) of the City of Philadelphia, and partly in the township of Bensalem, county of Bucks, bounded and described as follows:

Beginning at a corner in the middle of the Poquessing creek below the mill, thence extending south 47 degrees west about two perches to a Spanish oak tree or stump on a rock, thence by Thornton Stackhouse's land south 86 degrees west 12 perches to a stone, thence by the same north 89 degrees west $19\frac{1}{2}$ perches to a stone in the middle of the road leading to Mechanicsville, thence partly by said Stackhouse's land and partly by land of said Edward McMullin south 87 degrees west $54\frac{7}{10}$ perches to an ash tree standing on the margin of the mill pond, thence by the said McMullin's land south $69\frac{1}{2}$ degrees west $4\frac{9}{10}$ perches to a corner stone in the line of the land late of John and Mahlon Carver, thence along the said line north 10 degrees east about 28 feet to the middle of Poquessing

creek aforesaid, thence up the middle of the said creek about 13 perches to a corner, thence by McMullin's land as follows:

North 81 degrees (a marked ash tree standing in the line in the side of the said creek), east $16 \frac{8}{10}$ perches to a stone set for a corner, thence due east 24 perches to another stone near the said creek, thence crossing the same north 65 degrees east 80 perches to a corner stone on the middle of the said McMullin's lane, thence along the said lane southeasterly 22 feet to the middle of the race bank, thence along the middle of the said race bank about 39 perches to an apple tree, thence north 50 degrees east about 14 perches to the middle of the said creek by its several courses to the place of beginning; containing nine acres and 40 perches of land, more or less.

Together with all the right, privileges and immunities granted by Ezra Townsend, deceased, former owner of said property, in his devise to his son, John P. Townsend, among which was the privilege of cleaning out the mud and sand out of the mill race and carting the same on the bank thereof and removing same, and cleaning away brushes, trees or anything growing on or found on the said race bank, or any obstructions to keeping the race in good repair, and full liberty to raise the bank of said race higher at any time when it may be found necessary to facilitate any of the above purposes, and also the privilege of a cartway on the northern bank of the said race, with gates or bars, to be kept and supported by the owner of the said mill property, and together with all the mill gearing, machinery, apparatus in and about and belonging to said grist mill and fixtures thereof; and also with all the rights and privileges which John Carver and Mahlon Carver, owners of the adjoining premises, by indenture of release dated the 14th day of March, A. D. 1859, and recorded in the office for recording of deeds, etc., in and for the City of Philadelphia, in Deed Book A. D. B. No. 641, page 219, etc., granted and released and confirmed unto Edward Armitage, the former owner of these premises, his heirs and assigns forever.

The above tract or tracts or pieces of ground containing

the aforesaid acreage, more or less; and if he, the City Solicitor, approves the same, to cause a title and conveyance to be made to the City of Philadelphia in fee for a sewage disposal plant for the Department of Public Health and Charities, the cost thereof not to exceed the sum of ten thousand (10,000) dollars.

SECT. 2. That the sum of ten thousand (10,000) dollars be, and the same is hereby appropriated out of temporary loan to Item 40, in the annual appropriation to the Department of Public Health and Charities (Bureau of Charities), for the purchase of property authorized in Section 1.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize a contract between the City of Philadelphia and the Holmesburg Water Company for the installation of water pipes to supply the Home for the Indigent, and making an appropriation to pay the charges therefor for the balance of the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Health and Charities be, and he is hereby authorized to enter into a contract on behalf of the City of Philadelphia with the Holmesburg Water Company for the installation of water pipes to supply the Home for the Indigent with water, excepting for fire plugs, at a cost of fifty (50) dollars per million gallons, and providing for a minimum annual charge of four hundred (400) dollars; also, providing that in the event of the City taking over the property of the said Holmesburg Water Company at any time within ten years from the date of such installation, in calculating the damage

which shall be due the said water company on such taking over, the cost of the said installation, which is estimated at the sum of two thousand seven hundred (2,700) dollars, shall be included in such damages, less a deduction of ten (10) per cent. of such cost for each year from the date of such installation which shall elapse before the taking over of such property.

SECT. 2. There is hereby appropriated out of the temporary loan, for the purposes of payment for the said water supply for the balance of the current year, in accordance with the foregoing section, to the Department of Public Health and Charities (Bureau of Charities), to new Item 41, the sum of two hundred (200) dollars.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

Authorizing the payment of the sum of four hundred and thirteen (413) dollars and fifty (50) cents to Joseph K. Rosson in full settlement of his claim for damages to personal property occasioned by a break in the water mains in Eva street, near Shawmont avenue, Roxborough, on November 28, 1911.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four hundred and thirteen (413) dollars and fifty (50) cents be paid to Joseph K. Rosson for damages to his personal property occasioned by a break in the water main on Eva street, near Shawmont avenue, Roxborough, on November 28, 1911, out of the sum of eighteen thousand (18,000) dollars appropriated by ordinance dated July 3, 1912, to the Department of Public Works (Bureau of Water) "for work and materials to be used in the repair of the said damages to real estate, etc."

SECT. 2. The Director of the Department of Public Works is hereby authorized to draw, the City Controller to countersign, and the City Treasurer to pay, a warrant for the aforesaid sum in favor of the said Joseph K. Rosson, in full satisfaction for said damages upon the execution by him of a release to the City of Philadelphia of all claims for damages to personal property by reason of the breaking of said water main as aforesaid, said release to be approved by the City Solicitor.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the Directors of the Departments of Public Works and Supplies to draw, and the City Controller to countersign, certain warrants.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Directors of the Departments of Public Works and Supplies be authorized to draw, and the City Controller to countersign, warrants in payment of the following bills, viz.:

Director of the Department of Public Works, a warrant in favor of Albert F. Wayne for the concert rendered by the Municipal Band on May 10, 1913, in connection with Mothers' Day exercises, which concert was given prior to the execution of the contract; said warrant to be charged against Item 14 (b) in the annual appropriation to the Department of Public Works (Bureau of City Property) and against contract with Albert F. Wayne, for the year 1913; also a warrant in the sum of one hundred and forty-five (145) dollars and ninety-eight (98) cents in favor of the Philadelphia Electric Company for current delivered to the various military organizations prior to the execution of contract with the said company,

said work to be charged against Item 3 (e) in the annual appropriation to the Department of Public Works (Bureau of City Property), and against contract with said Philadelphia Electric Company for the year 1913.

Director of the Department of Supplies, warrants in amounts aggregating nine thousand three hundred and thirty-two (9,332) dollars and thirty-three (33) cents for castings heretofore furnished during the year 1913, in favor of J. Alfred Clark, and chargeable against the following items, viz.: Department of Supplies (Highways), Item No. 91, loan, nine hundred and fifty-six (956) dollars; (Water) Item No. 122, loan, eight hundred and sixty-nine (869) dollars and eighty-two (82) cents; (Public Safety) Item No. 12, one hundred and eighty-eight (188) dollars and sixteen (16) cents; Item No. 14, two hundred and twenty-seven (227) dollars and fifty (50) cents; (Public Works) Item No. 6, four thousand two hundred and fifteen (4,215) dollars and ninety-two (92) cents; Item No. 8, two thousand eight hundred and seventy-four (2,874) dollars and ninety-three (93) cents.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Forty-fourth street, from Market street to Haverford avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Forty-fourth street, from Market street to Haverford avenue, will pass, that at the expiration of three months from the date of said notice said street, as authorized to be placed upon the City plan by ordinance approved June 5, 1913, will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security on behalf of the City of Philadelphia for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit David H. Schuyler & Sons to remove clock now at the southeast corner of Broad and Diamond streets, and to re-erect said clock at the northwest corner of Broad and Diamond streets.

WHEREAS, By ordinance approved the 27th day of November, A. D. 1911, David H. Schuyler & Sons were granted permission to erect a clock at the southeast corner of Broad and Diamond streets;

AND WHEREAS, The said David H. Schuyler & Sons have purchased the property at the northwest corner of Broad and Diamond streets for the purpose of their business; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be and is hereby granted to David H. Schuyler & Sons to remove the clock now at the southeast corner of Broad and Diamond streets, and to re-erect said clock at the northwest corner of Broad and Diamond streets. The said clock, when re-erected, to conform to the conditions as provided for by the ordinance approved the 27th day of

November, A. D. 1911: *Provided*, That said David H. Schuyler & Sons first pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the east line of Delaware avenue at Christian street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the east line of Delaware avenue at Christian street, between the proposed municipal pier, No. 40, and the Pennsylvania Railroad Company's pier, No. 46.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To amend an ordinance entitled "An Ordinance to place on the City plan Camac, Duncannon, Eleanor, Greenwich, Lawrence, Leithgow, Marshall, Marvine and Warnock streets," approved January 30, 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the ordinance entitled "An Ordinance to place on the City plan Camac, Duncannon, Eleanor, Greenwich, Lawrence, Leithgow, Marshall, Marvine and Warnock streets," approved Jan-

uary 30, 1913, be amended and altered so as to permit the Board of Surveyors to place on the City plan Camac and Warnock streets, from Wingohocking to Courtland street, upon the filing of a deed of dedication for at least four-fifths of the beds of the streets.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Hadfield, Lycoming, Malcolm, Pechin, Twenty-fifth, Twenty-sixth, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-ninth, Eighty-third and Eighty-seventh streets, Bustleton, Holstein, Indiana and Willows avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in Hadfield street, from Fifty-third to Fifty-eighth street; Lycoming street, from Eighth to Ninth street; Malcolm street, from Fifty-third to Fifty-seventh street; Pechin street, from Dupont street to Leverington avenue; Twenty-fifth street, from Indiana avenue to Clearfield street; Twenty-sixth street, from Indiana avenue to Allegheny avenue; Fifty-fourth street, from Whitby avenue to Willows avenue; Fifty-fifth street, from Whitby avenue to Willows avenue; Fifty-sixth street, from Whitby avenue to Willows avenue; Fifty-seventh street, from Whitby avenue to Willows avenue; Fifty-ninth street, from Baltimore avenue to Angora avenue; Eighty-third street, from Tinicum avenue to Lisser avenue; Eighty-seventh street, from Tinicum avenue to Lisser avenue; Bustleton avenue, from Byberry and Bensalem Turnpike to the County Line; Hol-

stein avenue, from Eightieth to Eighty-third street;
 Indiana avenue, from Twenty-fifth to Twenty-sixth street;
 Willows avenue, from Fifty-third to Fifty-eighth street.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in American, Annsbury, Cedarhurst, Dickinson, Edgemont, Eleanor, Fairhill, Fifty-ninth, I, Loudon, Luzerne, McKean, Newkirk, Philip, Salmon, Seventh, Stanwood, Stillman, St. James, Sydenham, Toronto, Upsal and Wishart streets, Greenway, Indiana and Wagner avenues, Northeast Boulevard, Cobbs Creek Parkway and Hunting Park avenue Extension.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in American street, from Porter to Ritner street; Annsbury street, from Eleventh to Twelfth street; Cedarhurst street, from Fifty-ninth to Cobbs Creek Parkway; Dickinson street, from Thirtieth to Thirty-third street; Edgemont street, from Ontario to Tioga street; Eleanor street, from York road to Thirteenth street; Fairhill street, from Loudon to Rockland street; Fifty-ninth street, from Baltimore avenue to Angora avenue; I street, from Tioga to Venango street; Loudon street, from Fifth to Sixth street; Luzerne street, from Rising Sun east to Rising Sun avenue west; McKean street, from Twenty-fourth street to Point Breeze avenue; Newkirk street, from Wharton street to Dickinson street; Philip street, from Porter to Ritner street; Salmon street, from Pacific to Pickwick street; Seventh street, from Cayuga to Wingohocking street; Stanwood street, from E to F street; Stillman street, from Indiana

avenue to Clearfield street; St. James street, from Second to American street; Sydenham street, from Ruscomb street to Fishers lane; Toronto street, from Sixteenth to Seventeenth street; Upsal street, from Wissahickon avenue to Park Line Drive; Wishart street, from Howard to Mascher street; Greenway avenue, from Sixty-third to Sixty-fourth street; Indiana avenue, from Twenty-fourth to Twenty-fifth street; Wagner avenue, from Sixteenth to Ruscomb street; Northeast Boulevard, from Second to Third street, and from Seventh to Ninth street; Cobbs Creek Parkway, from Locust to Walnut street; Hunting Park avenue Extension, from York road to Bristol street.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the temporary removal of certain portions of a street railway track and overhead trolley of the Philadelphia Rapid Transit system occupying the streets of the City of Philadelphia, and not presently necessary for the accommodation of the public, on condition that the same may be, and shall be reconstructed whenever the interest of the public requires it.

WHEREAS, For the better accommodation of the public and development of the City, a comprehensive system of rerouting the various street railway lines of the City of Philadelphia has been undertaken by the Philadelphia Rapid Transit Company, which is operating said lines, which will result in sections of unused tracks, curves, switches and overhead trolley system in various portions of the City, which will then be occupying the street and impeding the free use thereof by vehicles without in any way serving the public.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That whenever the Philadelphia Rapid Transit Company shall certify to the Department of Public Works that it has no present use for any track, or portion of track and overhead trolley system on any street, that it may, with the assent of the said Department of Public Works, temporarily remove the same, in which case it shall, at its own expence, restore and repair any street pavement which shall be disturbed by the said work; and this action shall not affect the right of the Philadelphia Rapid Transit Company, or of the street railway company holding the franchise on the said street, to restore the said track and overhead trolley system (or such other system of traction of cars as may then be in use on other parts of said line of street railway) at any time that in the opinion of the owning or operating company the same is necessary for the proper accommodation of the public.

SECT. 2. The action taken hereunder shall be subject in all respects to the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company, dated July 1, 1907, and in case any of the tracks and traction system removed hereunder shall be replaced during the life of the said contract, then the same shall be subject to all the terms and provisions of the said contract; and the Philadelphia Rapid Transit Company shall pay into the City Treasury the sum of fifty (50) dollars to pay for the printing of this ordinance.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Bass, Brunswick, Cliveden, Crowson, Darien, Eighty-fourth, Eighty-eighth, Granite, Haworth, Ithan, Latimer, Mifflin, Pratt,

Ruscomb, Walker, Westmoreland and Yocum streets; Botanic, Clearview, Kingsessing, Northwestern and Ripka avenues, and East Walnut lane.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Department of Public Works be authorized to lay water pipe in Bass street, from Philellena street northwesterly to the dead end; Brunswick street, from Eighty-fourth to Eighty-fifth street; Cliveden street, from Nash street northeasterly to the dead end; Crowson street, from Philellena street northwesterly to the dead end; Darien street, from Luzerne street to Hunting Park avenue; Eighty-fourth street, from Gibson avenue to Brunswick street; Eighty-eighth street, from Tinicum avenue to Botanic avenue; Granite street, from Jackson street to about one hundred and ninety-two feet west of Cottage street; Haworth street, from Jackson to Valley street; Ithan street, from Kingsessing avenue to Greenway avenue; Latimer street, from Twenty-first street eastwardly to the dead end; Mifflin street, from Point Breeze avenue to Twenty-fourth street; Pratt street, from Jackson to Valley street; Ruscomb street, from Twelfth to Thirteenth street; Walker street, from Pratt to Valley street; Westmoreland street, from Twenty-second to Twenty-third street; Yocum street, from Fifty-fifth to Fifty-sixth street; Botanic avenue, from Eighty-eighth to Eighty-ninth street; Clearview avenue, from East Walnut lane to Chestnut Hill Branch of the Philadelphia & Reading Railway; Kingsessing avenue, from Frazier to Ithan street; Northwestern avenue, from Germantown avenue to about twelve hundred feet northeast; Ripka avenue, from Pechin street to Manayunk avenue; East Walnut lane, from Chew street to Clearview avenue.

Approved the fifth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Union Passenger Railway Company and its lessee, the Philadelphia Rapid Transit Company, to make further extensions of its tracks and overhead trolley system on Twenty-seventh street, from Wharton street to Reed street; on Reed street, from Twenty-seventh to Thirty-fourth street; on Thirty-fourth street, from Reed to Wharton street, and on Wharton street, from Thirty-fourth street to Twenty-seventh street, in the Thirty-sixth Ward of the City of Philadelphia, with the necessary curves, switches and connections.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That consent is hereby given to the Union Passenger Railway Company, Philadelphia Rapid Transit Company, Lessee, to extend its present tracks and overhead trolley system by single track on Twenty-seventh street, from Wharton street to Reed street; on Reed street, from Twenty-seventh street to Thirty-fourth street; on Thirty-fourth street, from Reed street to Wharton street, and on Wharton street, from Thirty-fourth street to Twenty-seventh street, with the necessary curves, switches and connections. The extensions hereby authorized are to be constructed, maintained and operated subject to all the terms and conditions of the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company, dated July 1, 1907; and the Philadelphia Rapid Transit Company shall pay the sum of fifty (50) dollars into the City Treasury for the printing of this ordinance.

Approved the tenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the Directors of the various Departments of the City Government to pay regular per diem employees for one week's vacation, for legal holidays, and for disability or sickness contracted while in the employ of the City; and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Directors of the various Departments of the City Government be authorized to issue warrants and pay all regular per diem men employed by the City of Philadelphia for one week's vacation and for all legal holidays, and upon the presentation of satisfactory evidence, for disability or sickness contracted while in the employ of the City, and who may be temporarily unable to perform the duties or work assigned to them for a period not exceeding thirty days.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the fifteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Twenty-third street, from Wolf street to Passyunk avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That the Department of Public Works be authorized and directed to notify the owners of property over and through which Twenty-third street, from Wolf street to Passyunk avenue, will pass, that

at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the seventeenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Allman street, from Hoy to Upland street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Allman street, from Hoy to Upland street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit C. H. Masland & Sons to construct a bridge over and across Amber street, between Westmoreland street and Willard street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and the same is hereby granted to C. H. Masland & Sons to construct a bridge over and across Amber street, from a point thirty-six (36) feet and six (6) inches south of the south side of Willard street, thence southwesterly extending over Amber street in a single span to a point fifty-nine (59) feet six (6) inches south of the south side of Willard street, to connect their present mill building with a proposed office building, the bridge to be used exclusively in the conduct of their own business. The said bridge to be constructed of steel and corrugated iron covering and not to exceed five (5) feet nine (9) inches in width and nine (9) feet in height and to have a clearance of not less than seventeen (17) feet six (6) inches above the curb level; and shall be constructed in accordance with plans to be approved by the Department of Public Works. Before exercising any privilege under this ordinance, the said C. H. Masland & Sons shall enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridge and to remove the same at any time upon the passage of an ordinance to that effect, and shall pay into the City Treasury the sum of fifty (50) dollars to cover the cost of the publication of this ordinance.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of grades of Tower street, from Roxborough avenue to Pennsdale street, and Rector street, from Tower street to about one hundred feet southwest.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the grades of Tower street, from Roxborough avenue to Pennsdale street, and Rector street, from Tower street to about one hundred feet southwest.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize Robert W. and Albert E. Johnson to lay and maintain a railroad siding or track across Marshall street, south of Ruscomb street, in the Forty-second Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to Robert W. and Albert E. Johnson to lay and maintain a railroad siding or track, from a point of connection with the easternmost track of the Bethlehem Branch of the Philadelphia & Reading Railway Company, at Ruscomb street, and crossing Marshall street in a southeasterly direction at a point about one hundred feet south of Ruscomb street into and upon their property on the east side of Marshall street, as shown on plan on file in the Bureau of Surveys, Department of Public Works: *Provided*, That the said siding or track shall be laid under the supervision and direction of the Department of Public

Works (Board of Highway Supervisors), and shall be removed upon the passage of an ordinance to that effect, without any expense to the City of Philadelphia and without any recourse for damages against said City, either property, personal or otherwise; and that the sum of fifty (50) dollars shall first be paid into the City Treasury to pay for the publication of this ordinance.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit Henry Disston & Sons, Inc., to extend their siding on Milnor street, from Unruh street to and across Magee street, in the Forty-first Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to Henry Disston & Sons, Inc., to extend their present siding on Milnor street from Unruh street to and across Magee street, in the Forty-first Ward: *Provided*, That said track or siding shall be laid under the supervision of the Director of the Department of Public Works, and in accordance with the plans approved by the Board of Highway Supervisors, and removed at any time upon the passage of an ordinance of Councils to that effect, without any expense to the City of Philadelphia and without recourse for damages against said City of any kind whatsoever, either property, personal or otherwise: *Provided also*, That the said Henry Disston & Sons, Inc., shall first pay into the City Treasury the sum of fifty (50) dollars for printing this ordinance.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the condemnation of property on the southeast side of Kensington avenue eighteen feet southwest of Tioga street, in the Forty-fifth Ward, for park purposes.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be, and he is hereby authorized and directed to enter proceedings for the condemnation of the property situate on the southeast side of Kensington avenue eighteen feet southwest of Tioga street, containing in front on Kensington avenue one hundred and sixty-three (163) feet, in the Forty-fifth Ward, for park purposes.

Approved the eighteenth day of July, A. D. 1912.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To condemn for fire house purposes a lot or piece of ground situate at the intersection of Sixty-third street and Lancaster avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That by virtue and in pursuance of the authority vested in them by Act of Assembly, they do select and appropriate for fire house purposes all that certain lot or piece of ground beginning at a point formed by the intersection of the easterly line of Sixty-third street and the southwesterly line of Lancaster avenue, extending southwardly along the easterly line of Sixty-third street twelve feet eight and five-eighths inches; thence north sixty-one degrees forty-six minutes and thirty and sixty-seven one-hundredth seconds east ten feet ten and three-eighths inches to a point on the southwest line of Lan-

caster avenue: and thence northwest along the same thirteen feet three and five-eighths inches to the afore-mentioned point and place of beginning.

SECT. 2. The City Solicitor is hereby directed to file in the proper court a petition on behalf of the City, setting forth the ground herein appropriated, to the end that the said Court shall appoint a jury to assess the damages for the taking of said property.

SECT. 3. The Mayor of the City is hereby authorized and directed to enter security, in the name of the City of Philadelphia, for the payment of any damages that may be awarded by reason of the taking of the said ground, and thereupon possession of the same shall be taken for use.

Approved the eighteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

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AN ORDINANCE

Granting consent to the Union Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to make further extensions of its tracks and overhead trolley system.

WHEREAS, In the general rerouting of the lines operated by the Philadelphia Rapid Transit Company it is necessary to construct a number of loops and connections on streets, all of which are covered by the powers of extension granted to the Union Passenger Railway Company, one of the lessor companies of the Philadelphia Rapid Transit Company.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the consent of the City be, and the same is hereby given to the Union Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to construct, maintain and operate extensions of its tracks and overhead trolley system

upon and along the following streets, with all necessary curves, switches and connections:

(a) A single track on Susquehanna avenue, from Coral to Memphis street;

(b) A single track on Cambria street, from Richmond street to Edgemont street;

(c) A second track on Somerset street, from Kensington avenue to Cedar street, in lieu of turnouts already upon said street;

(d) A single track on Seventh street, from Lehigh avenue to Allegheny avenue;

(e) A single track on Seventh street, from Wolf street to Ritner street;

(f) A single track on Howard street, from Oxford street to Jefferson street;

(g) A single track on Christian street, from Eighth street to Ninth street;

(h) A single track on Montgomery avenue, from Eleventh street to Thirteenth street.

The consent hereby given is subject to the terms and conditions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company; and said Company shall pay into the City Treasury the sum of fifty (50) dollars to pay for the printing of this ordinance.

Approved the nineteenth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit Henry Disston & Sons, Inc., to extend their present siding on Milnor street, north of Unruh street, to and across Wissinoming street to State road.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That permission be, and is*

hereby granted to Henry Disston & Sons, Inc., to extend their present siding on Milnor street, north of Unruh street, to and across Wissinoming street to State road: *Provided*, That said track or siding shall be laid under the supervision of the Director of the Department of Public Works, and in accordance with plans approved by the Board of Highway Supervisors, and removed at any time upon the passage of an ordinance of Councils to that effect, without any expense to the City of Philadelphia, and without recourse for damages against said City of any kind whatsoever, either property, personal or otherwise: *Provided also*, That the said Henry Disston & Sons, Inc., shall first pay into the City Treasury the sum of fifty (50) dollars for printing this ordinance.

Approved the twenty-first day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Second and Third Streets Passenger Railway Company of Philadelphia, and its lessee, the Philadelphia Rapid Transit Company, to construct extensions and loops of its tracks and overhead trolley system on Front street, at the intersection of Arch street, with the necessary curves, switches and connections.

WHEREAS, In order to provide for the rerouting of its system and the operation of the new nearside cars upon its lines terminating at the foot of Arch street, the Philadelphia Rapid Transit Company, on behalf of its various leased lines, has requested permission to build a loop at the foot of Arch street, part of which will occupy private property purchased by the Philadelphia Rapid Transit Company;

AND WHEREAS, The Second and Third Streets Passenger Railway Company of Philadelphia, one of the companies leased and operated by the Philadelphia Rapid Transit Company, has charter rights on Front street at Arch street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That consent is hereby given to the Second and Third Streets Passenger Railway Company of Philadelphia, and its lessee, the Philadelphia Rapid Transit Company, to construct a loop and extension, consisting of a single track with the overhead trolley system, as follows, to wit: A loop connecting with the east bound track on Arch street at or near Front street, curving north on Front street for a distance of one hundred feet, more or less; thence curving west and south over private right of way fronting on Front street and Arch street and connecting with the west bound track on Arch street at a distance of one hundred feet, more or less, west of Front street; with all necessary curves, switches and connections (including a connection with and extension to tracks already laid on the east side of Front street, between Arch and Market streets).

The extension hereby authorized is to be constructed, maintained and operated subject to all the terms and conditions of the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company dated July 1, 1907; and the Philadelphia Rapid Transit Company shall pay the sum of fifty (50) dollars into the City Treasury to pay for the printing of this ordinance.

Approved the twenty-first day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to make further extensions of its tracks and overhead trolley system.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the consent of the City be, and the same is hereby given to the Twenty-second Street and Allegheny Avenue Passenger Railway Company, and its lessee, the Philadelphia Rapid Transit Company, to construct, maintain and operate extensions of its tracks and overhead trolley system upon and along the following streets, with all necessary curves, switches and connections:

(a) A single track from Allegheny avenue on Twenty-seventh street to Clearfield street, on Clearfield street to Twenty-sixth street, on Twenty-sixth street to Allegheny avenue.

(b) A double track on Spencer street, from Ogontz avenue to Old York road.

The consent hereby given is subject to the terms and conditions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company: *Provided*, That the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twenty-first day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Granting consent to the Frankford and Southwark Philadelphia City Passenger Railroad Company, and its lessee, the Philadelphia Rapid Transit Company, to

construct an extension or loop of its tracks and overhead trolley system on Loney street, from Oxford road to a point about two hundred and sixty-five feet westward thereof, connecting the same by a loop over private property with the tracks on Oxford road at a point about two hundred and seventy feet north of Loney street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Frankford and Southwark Philadelphia City Passenger Railroad Company, and its lessee, the Philadelphia Rapid Transit Company, be, and they are hereby authorized to construct, maintain and operate an extension of the tracks and overhead trolley system of said Railroad Company beginning at the intersection of Oxford road and Loney street in a westerly direction along Loney street for a distance of about two hundred and sixty-five feet; thence curving on private property back to Oxford road at a distance of about two hundred and seventy feet northward from the intersection of Loney street aforesaid, together with all necessary curves, switches and connections. The assent given hereunder is subject to all the terms and conditions of the contract of July 1, 1907, between the City of Philadelphia and the Philadelphia Rapid Transit Company: *Provided*, That the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twenty-first day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To regulate the use of railroad tracks on Delaware avenue, between Callowhill and Christian streets, in the City of Philadelphia, and providing a penalty for the violation of any of the provisions of this ordinance.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it shall not be lawful to cause or permit any car, or cars of any description, to stand on any part of any track or tracks, sidings or turnouts on Delaware avenue, between Callowhill and Christian streets, between the hours of 7 A. M. and 7 P. M., except where a locomotive may be coupled to a train for the purpose of removing or delivering a car or cars to or from a siding or turnout, in which case it shall be lawful to uncouple the locomotive from the train and allow the car or cars to remain standing on the track for such time as may be necessary for the prompt transaction of such business.

SECT. 2. Free passage across street crossings on said Delaware avenue, between Callowhill and Christian streets, for the full width of such intersecting streets must be maintained at all times for the use of pedestrians and vehicular traffic, except at such times as a locomotive may be engaged in the operation of shifting cars or attached to a train actually moving across such streets, in which case such crossings shall not be blocked for a period of time greater than five (5) minutes.

SECT. 3. It shall be unlawful to obstruct or prevent the use of tracks by locomotives, freight cars, or moving trains of any description on Delaware avenue, between Callowhill and Christian streets, by any person or persons standing or walking, or by placing freight, merchandise, or material, teams, automobiles, drays or vehicles, on or along such tracks, or in any way obstructing or preventing locomotives and moving trains from using such tracks in a proper manner.

SECT. 4. Any person or persons, corporation or corporations, violating any of the provisions of this ordinance shall be subject to a penalty of twenty-five (25) dollars for each and every offence, to be collected as like penalties are now by law recoverable. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-sixth day of July, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Girard avenue, from Sixty-fifth to Sixty-sixth street; and Sixty-sixth street, from Haverford avenue to Girard avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Girard avenue, from Sixty-fifth to Sixty-sixth street; and Sixty-sixth street, from Haverford avenue to Girard avenue, will pass; that at the expiration of three months from the date of said notice said streets will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said streets; upon the filing of said bond and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said streets.

Approved the first day of August, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of Leverington avenue, from Main street to Umbria street, and streets adjacent thereto.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of Leverington avenue, from Main street to Umbria street, and streets adjacent thereto.

Approved the fifteenth day of August, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the striking from the City plan and the vacation of St. Martins lane, from Gravers lane to Highland avenue, and Highland avenue, from St. Martins lane to a point about one hundred feet southwest of Seminole avenue, and to place upon the City plan, in lieu thereof, St. Martins lane, from Gravers lane to Seminole avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to strike from the City plan and vacate St. Martins lane, from Gravers lane to Highland avenue, and Highland avenue, from St. Martins lane to a point about one hundred feet southwest of Seminole avenue, and to place upon the plan, in lieu thereof, St. Martins lane, sixty feet wide, from Gravers lane to Seminole avenue.

Provided, That the owners of property affected by the striking from the plan and vacation of St. Martins lane and Highland avenue shall first file an agreement satisfactory to the City Solicitor, agreeing not to claim damages by reason of the striking from the plan and vacation of St. Martins lane, from Gravers lane to Highland avenue, and Highland avenue, from St. Martins lane to a point about one hundred feet southwest of Seminole avenue;

And also provided, That the bed of St. Martins lane, sixty feet wide, shall first be dedicated to the City of Philadelphia upon the new lines and grades, between Gravers lane and Highland avenue;

And also provided, That St. Martins lane, between Gravers lane and Highland avenue, shall first be graded to the new lines and grades without expense to the City of Philadelphia.

Approved the sixteenth day of September, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers of unexpended balances in the various Bureaus of the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Commissioners of Fairmount Park and City Commissioners, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be authorized to transfer all unexpended balances of loans in amounts less than one hundred (100) dollars, aggregating in all two thousand five hundred and five (2,505) dollars and three (3) cents, covering eighty-two items in the annual appropriations to the various Bureaus of the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, Commissioners of Fairmount Park and City Commissioners, for the year 1913, viz.: To the Mayor, Item 6 (k), for the maintenance, etc., of Carnegie Branch Library at Falls of Schuylkill.

Approved the eighteenth day of September, A. D. 1913.

RUDOLPH BLANKENBURG.

Mayor of Philadelphia.

AN ORDINANCE

Designating the West Philadelphia Bank and the Germantown Avenue Bank as depositories of the City's money.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the West Philadelphia Bank and the Germantown Avenue Bank be, and are hereby designated as depositories of the City's money,

subject, however, to the provisions of the ordinance approved April 9, 1892.

Approved the eighteenth day of September, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the construction and maintenance by the Thomas W. Evans Museum and Institute Society of pipes or conduits, or a tunnel under Irving street, between Fortieth and Forty-first streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That permission be, and the same is hereby granted to the Thomas W. Evans Museum and Institute Society to lay or construct a tunnel under and across Irving street, between Fortieth and Forty-first streets, to connect its power plant to be erected on the north side of Irving street at a point 214 feet west of Fortieth street with its building at the northwest corner of Fortieth and Spruce streets.

The said tunnel to be used exclusively by said museum for the conveyance of pipes and wires for heat, light and power purposes, and shall be constructed under the supervision and to the satisfaction of the Department of Public Works and Board of Highway Supervisors, so as not to interfere with any municipal structure now in said streets. Before issuing a permit for the work of construction of said tunnel the said Thomas W. Evans Museum and Institute Society shall enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the laying and maintenance of the same, and to repave and keep in order so much of the street disturbed by said work, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, September 19, 1913.

This is to certify that the ordinance entitled "An Ordinance authorizing the construction and maintenance by the Thomas W. Evans Museum and Institute Society of pipes or conduits or a tunnel under Irving street, between Fortieth and Forty-first streets," was presented to the Mayor on the twenty-fifth day of June, 1913, and was not returned at a meeting of Councils held ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

 AN ORDINANCE

To make additional appropriations to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Mayor, City Commissioners, Clerks of Councils, Prothonotary and City Treasurer, out of temporary loan.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four hundred and twenty-four thousand and fifty-seven (424,057) dollars and seventy-six (76) cents be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Mayor, City Commissioners, Clerks of Councils, Prothonotary and City Treasurer out of temporary loan, viz.:

Department of Public Works (Director's Office): To Item 10, for investigation and report of improved rapid

transit facilities, toward printing report, five thousand (5,000) dollars; to Item 12, for the work of exterminating mosquitoes in the southern section of the City, five thousand (5,000) dollars; Bureau of Highways, to Item 11 (b), boarding, stabling, storage and carriages, one thousand five hundred (1,500) dollars; to Item 14 (b), for meadow banks, water courses and wages, ten thousand (10,000) dollars; to Item 14 (d), for repaving, repairing of streets, wages, etc., ten thousand (10,000) dollars; to Item 15 (f), for hire of teams, etc., ten thousand (10,000) dollars; to Item 53, for the construction of new meadow banks and necessary sluices around a portion of Cannon Ball Farm, to retain dredged material, three thousand five hundred (3,500) dollars; to Item 54, for repairing wood block pavement, ten thousand (10,000) dollars; to Item 55, for laying a pavement of old granite blocks on Forty-ninth street, from Grays avenue to Botanic avenue, sixteen feet in width, four thousand (4,000) dollars; to Item 56, for curbing Twenty-first street, from Snyder avenue to Passynuk avenue, through the Philadelphia Cemetery, one thousand (1,000) dollars; to Item 57, for grading, repaving, constructing a retaining wall and all other work incident to opening Margie street, to its full width, between Glenwood avenue and the Pennsylvania Railroad: *Provided*, That before such contract shall be entered into the Charles Este Company shall dedicate to the City of Philadelphia the strip of land between the confirmed lines of Margie street and the line of the Old Lamb Tavern road, and will further relinquish all claim for damages for the opening and grading of Margie street to its full width, seven thousand five hundred (7,500) dollars; (Bureau of Water): To Item 16, for wages, eleven thousand (11,000) dollars; to Item 17, for equipment and repairs, eighteen thousand (18,000) dollars; to Item 27, for inspection of distribution, four thousand (4,000) dollars; to Item 29, for wages, two thousand (2,000) dollars; to Item 37, for the extension of the water main from Bustleton to Somerton, via Bustleton pike, and from Somerton to Byberry, via Railroad avenue, Maple avenue, Cemetery lane, Proctor, Herschell

and Southampton roads to Byberry farms, fifty thousand (50,000) dollars; (Bureau of Surveys): To Item 19 (b), for wages of laborers at sewage disposal plant, one thousand five hundred (1,500) dollars; to Item 29, for reconstruction of sewer in Queen street, from Delaware avenue to Fourth street, sixteen thousand (16,000) dollars; (Bureau of City Property): To Item 9 (a), to pay bill of Charles T. Groswith for removal of ashes and rubbish from City Hall, eight hundred and sixty-two (862) dollars; to Item 15 (b), for removal of ashes and rubbish from squares, five hundred and ninety-eight (598) dollars; to Item 33, to construct lavatory in Ontario Park, twelve thousand (12,000) dollars; to Item 34, to satisfy liens on the properties north side of Osage avenue, west of Fifty-fifth street, and at Fifty-fifth and Pine streets, nine hundred (900) dollars.

Department of Public Safety (Bureau of Police): To Item 6 (j), for repairs to plumbing, steam fitting, etc., ten thousand (10,000) dollars; (Bureau of Fire): To Item 11 (f), for repairs to steam heating, plumbing, etc., five thousand (5,000) dollars; (Electrical Bureau): To Item 13 (b), for the purchase of electric light stringers, one thousand two hundred (1,200) dollars.

Department of Public Health and Charities (Director's Office): To Item 4 (b), for maintenance of children, etc., five thousand (5,000) dollars; to Item 4 (c), for the care and treatment of young children on City piers during the heated term, wages and supplies, five thousand (5,000) dollars; (Bureau of Health): To Item 1½, to pay William Reynolds and R. A. Devlin for clothing destroyed by fire, sixty-six (66) dollars and twenty-five (25) cents; to Item 15 (b), for salaries and wages, ten thousand five hundred (10,500) dollars; (Bureau of Charities): To Item 20 (b), for attendants on pay roll, thirteen thousand (13,000) dollars.

Department of Supplies: Sect. 3, to Item 4, fuel, fifteen thousand (15,000) dollars; Sect. 4, to Item 6, fuel, fifteen thousand (15,000) dollars; to Item 16 (b), for vaccine virus, three thousand (3,000) dollars; Sect. 5, to

Item 2, fuel, forty-five thousand (45,000) dollars; Sect. 6½, to Item 1, Department of City Transit, for office furniture, supplies and equipment, twenty-one thousand seven hundred (21,700) dollars; Sect. 2, to Item 1, stationery, etc., two thousand five hundred (2,500) dollars; Sect. 5, to Item 9, motor cycles and parts, etc., one thousand (1,000) dollars.

Mayor: To Item 2 (c), miscellaneous advertising, two thousand five hundred (2,500) dollars.

City Commissioners: To Item 5 (b) to pay jurors, forty thousand (40,000) dollars; to Item 5 (c), for witness fees, one thousand (1,000) dollars; to Item 15 (j), new House of Detention, for furniture, furnishings, bedding, etc., one thousand (1,000) dollars; to Item 22 (b), for printing registry lists, five thousand eight hundred and eighty (5,880) dollars; to Item 27 (d), printing ballots, etc., primary election, seven thousand (7,000) dollars; to Item 31 (a), automobile hire, etc. (general election), two hundred and fifty (250) dollars; to Item 31 (b), for printing, etc. (general election), six thousand (6,000) dollars; to Item 36 (b), for expenses of Glen Mills School, ten thousand (10,000) dollars; to Item 36 (c), for incurables at Wernersville, five thousand (5,000) dollars.

Clerks of Councils: To Item 5 (d), toward defraying the expenses of the National Encampment of the Army and Navy Union of the United States, on September 8, 9, 10 and 11, 1913, five thousand (5,000) dollars; said amount to be expended under the supervision of the Committee on Finance.

Prothonotary: To Item 1, so as to pay the increases in salaries of the Clerks of the Courts of Common Pleas, from June 7, 1913, at the rate of three thousand (3,000) dollars per annum each, one thousand four hundred and nine (1,409) dollars and eighty-five (85) cents.

City Treasurer: To Item 1 (a), so that the salary of the Receiving Teller shall be at the rate of two thousand five hundred (2,500) dollars per annum, in lieu of two thousand two hundred and fifty (2,250) dollars per annum; so that the salary of the Second Assistant Re-

ceiving Teller shall be at the rate of one thousand six hundred (1,600) dollars per annum, in lieu of one thousand four hundred (1,400) dollars per annum; so that the salary of the First Assistant Bookkeeper shall be at the rate of one thousand six hundred (1,600) dollars per annum, in lieu of one thousand four hundred (1,400) dollars per annum; so that the salary of the State Clerk shall be at the rate of two thousand five hundred (2,500) dollars per annum, in lieu of two thousand two hundred and fifty (2,250) dollars per annum; so that the salary of the First Assistant State Clerk shall be at the rate of two thousand (2,000) dollars per annum in lieu of one thousand two hundred (1,200) dollars per annum; so that the salary of the Second Assistant State Clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, in lieu of one thousand two hundred (1,200) dollars per annum; so that the salary of the Third Assistant State Clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, in lieu of one thousand two hundred (1,200) dollars per annum; so that the salary of the Fourth Assistant State Clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, in lieu of one thousand two hundred (1,200) dollars per annum; so that the salary of the Clerk shall be at the rate of one thousand five hundred (1,500) dollars per annum, in lieu of one thousand two hundred (1,200) dollars per annum; said increases to date from June 1st, one thousand six hundred and ninety-one (1,691) dollars and sixty-six (66) cents.

I approve this ordinance, excepting the following item: Department of Public Works (Bureau of Highways): To Item 56, for curbing Twenty-first street, from Snyder avenue to Passyunk avenue, through the Philadelphia Cemetery, one thousand (1,000) dollars.

By reason thereof reducing the total amount of this ordinance from four hundred and twenty-four thousand and

fifty-seven (424,057) dollars and seventy-six (76) cents to four hundred and twenty-three thousand and fifty-seven (423,057) dollars and seventy-six (76) cents.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG.

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OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, September 19, 1913.

This is to certify that the ordinance entitled "An Ordinance to make additional appropriations to the various Bureaus in the Departments of Public Works, Public Safety, Public Health and Charities, Supplies, Mayor, City Commissioners, Clerks of Councils, Prothonotary, and City Treasurer, out of temporary loan," was presented to the Mayor on the twenty-fifth day of June, 1913, and approved by him excepting the following: "Department of Public Works, Bureau of Highways: To Item 56, for curbing Twenty-first street, from Snyder avenue to Passyunk avenue through the Philadelphia Cemetery, one thousand (1,000) dollars. By reason thereof reducing the total amount of this ordinance from four hundred and twenty-four thousand and fifty-seven (424,057) dollars and seventy-six (76) cents, to four hundred and twenty-three thousand and fifty-seven (423,057) dollars and seventy-six (76) cents," which disapproval was not returned to Councils at a meeting held September 18, 1913, being more than ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., said Item becomes as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

AN ORDINANCE

Authorizing the construction and maintenance by C. H. Masland & Sons of a tunnel under and across Amber street, between Willard street and Westmoreland street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and the same is hereby granted to C. H. Masland & Sons to lay or construct a tunnel under and across Amber street, between Willard street and Westmoreland street, at a point fifty-four (54) feet northward of Willard street, to connect their present mill building with a sprinkling tank located in the center of a vacant lot bounded by Frankford Avenue, Westmoreland street, Amber street and Willard street.

The said tunnel to be used for the conveyance of pipes and wires for water, heat, light and power purposes and be used exclusively in the conduct of their own business, and shall be constructed under the supervision and to the satisfaction of the Department of Public Works and Board of Highway Supervisors, so as not to interfere with any municipal structure now in said streets. Before issuing a permit for the work of construction of said tunnel the said C. H. Masland & Sons shall enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the laying and maintenance of the same and to repave and keep in order so much of the street disturbed by said work, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, September 19, 1913.

This is to certify that the ordinance entitled "An Ordinance authorizing the construction and maintenance by

C. H. Masland & Sons of a tunnel under and across Amber street, between Willard street and Westmoreland street." was presented to the Mayor on the twenty-fifth day of June, 1913, and was not returned at a meeting of Councils held ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

AN ORDINANCE

To allot a portion of the appropriation made to the Commissioners of Fairmount Park out of loan approved April 19, 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That out of the sum of five hundred thousand (500,000) dollars appropriated to the Commissioners of Fairmount Park out of loan approved April 19, 1913, the sum of three hundred and twelve thousand (312,000) dollars is hereby apportioned as follows: For new drives, walks and lawns, sixty-five thousand (65,000) dollars; for surfacing existing drives and walks with improved pavement, fifty thousand (50,000) dollars; for bridges, sixty thousand (60,000) dollars; for improvement of Hunting Park, fifty thousand (50,000) dollars; for the improvement of Cobbs Creek Park, north of Woodland avenue, twenty-five thousand (25,000) dollars, and north of Market street, twenty-five thousand (25,000) dollars; for the improvement of Pennypack Creek Park, twenty-five thousand (25,000) dollars; for construction of a meteorological observatory in Fairmount Park for the use of the United States Weather Bureau, twelve thousand (12,000) dollars."

I approve this ordinance, excepting the following: "For construction of a meteorological observatory in Fairmount Park for the use of the United States Weather Bureau, twelve thousand (12,000) dollars."

By reason thereof reducing the total amount of this ordinance from three hundred and twelve thousand (312,000) dollars to three hundred thousand (300,000) dollars.

Approved the twenty-seventh day of June, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

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OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, September 19, 1913.

This is to certify that the ordinance entitled "An Ordinance to allot a portion of the appropriation made to the Commissioners of Fairmount Park, out of loan approved April 19, 1913," was presented to the Mayor on the twenty-first day of June, 1913, and approved by him excepting the following: "for construction of a meteorological observatory in Fairmount Park, for the use of the United States Weather Bureau, twelve thousand (12,000) dollars. By reason thereof reducing the total amount of this ordinance from three hundred and twelve thousand (312,000) dollars to three hundred thousand (300,000) dollars," which disapproval was not returned to Councils at a meeting held September 18, 1913, being more than ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., said Item becomes as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

AN ORDINANCE

To relieve the property on the southwest corner of Sixteenth and Christian streets, owned by the First African Baptist Church, for claims for taxes, for the year 1906.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the property on the southwest corner of Sixteenth and Christian streets, owned by the First African Baptist Church, be, and the same is hereby relieved from all claims for taxes, for the year 1906, and that the City Solicitor be directed to strike from his liens all claims for said taxes.

OFFICE OF CLERK OF SELECT COUNCIL.

Philadelphia, September 19, 1913.

This is to certify that the ordinance entitled "An Ordinance to relieve the property on the southwest corner of Sixteenth and Christian streets, owned by the First African Baptist Church, for claims for taxes, for the year 1906," was presented to the Mayor on the twenty-sixth day of June, 1913, and was not returned at a meeting of Councils held ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly, approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

W. J. MILLIGAN,
Chief Clerk of Select Council.

AN ORDINANCE

Signifying the desire of the corporate authorities of the City of Philadelphia to increase the indebtedness of the said City in the sum of eight million six hundred thousand (\$8,600,000) dollars for the development of City transit, the abolition of grade crossings, the construction of main and branch sewers, the erection of new bridges, repaving and resurfacing streets and roads, the extension of the Delaware avenue improvement, children's playgrounds, the improvement of the Philadelphia General Hospital and homes for the indigent, a new ice breaker, sites for piers and docks and for bulkheading on the Schuylkill river, for the Parkway, and the payment of mandamuses.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That it is the desire of the corporate authorities of the City of Philadelphia, which desire is hereby signified, that the indebtedness of the said City shall be increased in the sum of eight million six hundred thousand (\$8,600,000) dollars for the following purposes, to wit: For the development of City transit, one million eight hundred thousand (\$1,800,000) dollars; the abolition of grade crossings, one million eight hundred thousand (\$1,800,000) dollars; the construction of main sewers, two hundred thousand (\$200,000) dollars; the construction of branch sewers, three hundred thousand (\$300,000) dollars; the construction of new bridges, two hundred thousand (\$200,000) dollars; repaving and resurfacing streets and roads, five hundred and fifty thousand (\$550,000) dollars; the extension of the Delaware avenue improvement, two hundred and fifty thousand (\$250,000) dollars; children's playgrounds, two hundred thousand (\$200,000) dollars; the improvement of the Philadelphia General Hospital, one hundred thousand (\$100,000) dollars, and homes for the indigent, five hundred and fifty thousand (\$550,000) dollars; for a new ice breaker, three hundred and twenty-five thousand (\$325,000) dollars; the purchase of sites for piers and docks, two hundred and fifty thousand (\$250,000) dollars; and for bulkheading

on the Schuylkill river, seventy-five thousand (75,000) dollars; for the Parkway, one million (1,000,000) dollars, and for the payment of mandamuses, one million (1,000,000) dollars.

Approved the third day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the creation of a loan or loans by the City of Philadelphia in the sum of two million two hundred thousand (2,200,000) dollars, for the repayment of temporary loan and the purchase of materials and supplies for and the maintenance of the various Bureaus of the several Departments of the City, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Mayor of the City be, and he is hereby authorized to borrow, at such times and in such proportions as in his judgment the best interests of the City demand, from the highest bidder or bidders, either by popular subscription or by advertisement, at not less than par, on the faith and credit of the City of Philadelphia, a sum or sums which in the aggregate shall not exceed two million two hundred thousand (2,200,000) dollars, to be expended as provided for in the second section of this ordinance.

SECT. 2. The money raised by the loan or loans authorized by the first section of this ordinance shall be expended for the repayment of temporary loan and the purchase of materials and supplies for and the maintenance of the various Bureaus of the several Departments of the City, for the year 1913.

SECT. 3. Interest on said loan at a rate not exceeding four per centum per annum shall be paid by the City of

Philadelphia, half yearly, on the first days of the months of January and July, at the office of the fiscal agency of the City of Philadelphia. Certificates of the said loan shall be in usual form, in such amounts as the lender may require, in the sums of one hundred (100) dollars and its multiples, in registered or coupon form, and it shall be expressed in the said certificates that the loan therein mentioned is payable in thirty years after date thereof, and that the principal and interest on said loan are payable in lawful money of the United States free from all taxes.

SECT. 4. Whenever any loan shall be created by virtue of this ordinance, there is, by force of this ordinance, an annual tax levied of six and one-half ($6\frac{1}{2}$) per centum on the par value of such certificates so issued to pay the interest, also the principal, of such loan within thirty years, and there is hereby annually appropriated to the Commissioners of the Sinking Fund, out of the tax so collected, a sum sufficient to pay the interest on said loan, also the principal thereof, within thirty years and as the same become payable. The appropriation for interest to be paid semi-annually, and for the Sinking Fund quarterly to the said Commissioners.

Approved the third day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize an additional appropriation to the City Commissioners, for the year 1913, out of the temporary loan.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of fifteen thousand three hundred and seventeen (15,317) dollars and twenty-four (24) cents out of the temporary loan be

and the same is hereby appropriated to the Department of City Commissioners to Item 21(b), to pay registrars for the year 1913.

Approved the third day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize and provide for submitting to the vote of the electors the question of increasing the indebtedness of the City of Philadelphia in the sum of eight million six hundred thousand (\$8,600,000) dollars, for the development of City transit, the abolition of grade crossings, the construction of main and branch sewers, the erection of new bridges, repaving and resurfacing streets and roads, the extension of the Delaware avenue improvement, children's playgrounds, the improvement of the Philadelphia General Hospital and homes for the indigent, a new ice breaker, sites for piers and docks, and for bulkheading on the Schuylkill river, for the Parkway and the payment of mandamuses; to fix the day for holding an election for the purpose of obtaining the assent of the electors to such increase, and to authorize the Mayor to give notice of such election by public advertisement.

WHEREAS, The corporate authorities of the City of Philadelphia have signified their desire to increase the indebtedness of the said City in the sum of eight million six hundred thousand (\$8,600,000) dollars, and for the purposes hereinafter set forth; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain, That for the purpose of*

obtaining the assent of the said electors to the said increase of indebtedness in the sum of eight million six hundred thousand (8,600,000) dollars for the following purposes, to wit: For the development of City transit, one million eight hundred thousand (1,800,000) dollars; the abolition of grade crossings, one million eight hundred thousand (1,800,000) dollars; the construction of main sewers, two hundred thousand (200,000) dollars; the construction of branch sewers, three hundred thousand (300,000) dollars; the construction of new bridges, two hundred thousand (200,000) dollars; repaving and resurfacing streets and roads, five hundred and fifty thousand (550,000) dollars; the extension of the Delaware avenue improvement, two hundred and fifty thousand (250,000) dollars; children's playgrounds, two hundred thousand (200,000) dollars; the improvement of the Philadelphia General Hospital, one hundred thousand (100,000) dollars, and homes for the indigent, five hundred and fifty thousand (550,000) dollars; for a new ice breaker, three hundred and twenty-five thousand (325,000) dollars; the purchase of sites for piers and docks, two hundred and fifty thousand (250,000) dollars, and for bulkheading on the Schuylkill river, seventy-five thousand (75,000) dollars; for the Parkway, one million (1,000,000) dollars, and for the payment of mandamuses, one million (1,000,000) dollars; an election shall be held in pursuance of law, at the usual places of holding elections, on the first Tuesday, to wit, the fourth day of November, 1913, between the hours of seven A. M. and seven P. M.; that notice of election shall be given by the Mayor of the municipality, by weekly advertisements in not exceeding three newspapers of the said City during at least thirty days prior to the said election, which notice shall contain a statement of the amount of the last assessed valuation of the taxable property of the said City, the amount of the existing debt, the amount and percentage of the proposed increase, and the purposes for which the indebtedness is to be increased. And the City Commissioners are hereby authorized and directed to prepare and distribute the necessary ballots, ballot boxes and other articles, and to take such other action as may be required

for the holding of such election, as provided for in the laws of the State of Pennsylvania governing the increase of the indebtedness of municipalities and the holding of elections therefor.

Approved the third day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners, Clerks of Councils, Inspectors of the County Prisons, Board of Recreation, Board of Revision of Taxes, Sheriff, and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the several bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, City Commissioners, Clerks of Councils, Inspectors of the County Prisons, Board of Recreation, Board of Revision of Taxes, Sheriff, and City Treasurer, for the year 1913, viz.:

Department of Public Works (Director's Office): From Item 4, repairs, etc., one thousand (1,000) dollars; (Bureau of Highways): From Item 18(a), removal and disposal of garbage, eight thousand three hundred and forty-two (8,342) dollars; from Item 18(c), cleaning and sprinkling of streets, twenty-four thousand one hundred and sixty-six (24,166) dollars; (Bureau of Surveys): From Item 8, salaries, four thousand one hundred and fifty (4,150) dollars.

Department of Public Health and Charities (Bureau of Charities): From Item 1, salaries, seven hundred (700) dollars; from Item 3, burial cases, three hundred (300) dollars; from Item 4, salaries, two hundred and forty (240) dollars; from Item 5, salaries, two hundred and fifty (250) dollars; from Item 7, salaries, two hundred (200) dollars; from Item 13, equipment, etc., eight hundred (800) dollars; from Item 15, salaries, four hundred and fifteen (415) dollars; from Item 20(a), salaries, one hundred and ninety-five (195) dollars; from Item 24, salaries, one thousand one hundred (1,100) dollars; from Item 27, salaries, four hundred (400) dollars.

Wharves, Docks and Ferries: From Item 1, salaries, six hundred (600) dollars; from Item 4, salaries, one thousand (1,000) dollars; from Item 5, salaries, two thousand (2,000) dollars; from Item 9, salaries, four hundred (400) dollars.

Department of Supplies (Wharves, Docks and Ferries): From Item 2, dry stores and groceries, five hundred (500) dollars.

City Commissioners: From Item 6(d), for postage and printing, six hundred and fifty-nine (659) dollars and eleven (11) cents; from Item 6(f), for printing, forty-two (42) dollars and forty-four (44) cents; from Item 7(b), for stationery, four hundred and ninety (490) dollars and thirty-seven (37) cents; from Item 7(c), for stationery, seventy-five (75) dollars and fifteen (15) cents; from Item 8(b), legal blanks and papers, eighty-three (83) dollars and ninety-eight (98) cents; from Item 8(c), for legal books, etc., one hundred and seventeen (117) dollars and eighty (80) cents; from Item 36(a), State Hospital, Norristown, twenty-one thousand (21,000) dollars; from Item 36(b), care of boys and girls, at Glen Mills, four thousand (4,000) dollars.

Inspectors of the County Prisons (Reed Street Prison): From Item 1(a), salaries, engineer, nine hundred (900) dollars; from Item 1(b), overwork of prisoners, one hundred and fifty (150) dollars; from Item 4(k), flour, two thousand (2,000) dollars; from Item 4 (n), vegetables, one thousand (1,000) dollars; from Item 6, presents to

discharged prisoners, fifty (50) dollars. (Holmesburg Prison): From Item 1(b), overwork of prisoners, one hundred and fifty (150) dollars; from Item 4(c), hauling ashes, one hundred (100) dollars; from Item 4(j), flour, three thousand (3,000) dollars; from Item 5, for presents to discharged prisoners, seventy (70) dollars; from Item 10, tuberculosis hospital, one thousand one hundred and sixty (1,160) dollars.

Board of Recreation: From Item 1(a), salaries, seven thousand five hundred (7,500) dollars.

Board of Revision of Taxes: From Item 1(a), salaries, one thousand (1,000) dollars; from Item 2(b), automobile hire, eight hundred (800) dollars.

Sheriff: From Item 1(d), sheriff's juries, one thousand five hundred (1,500) dollars; from Item 2(g), printing and posting, two hundred and twenty-five (225) dollars; from Item 3(c), miscellaneous, seven hundred (700) dollars.

City Treasurer: From Item 4(d), sinking fund on new loans, twenty thousand one hundred and thirteen (20,113) dollars; from Item 5, for installing telephone service, one thousand (1,000) dollars.

To the following:

Department of Public Works (Bureau of Surveys): To Item 7, recording deeds, etc., four hundred (400) dollars; to Item 9(b), hire, etc., horses and vehicles, three thousand two hundred (3,200) dollars; to Item 9(c), cleaning offices, two hundred and fifty (250) dollars; to Item 9(e), furnishing light, three hundred (300) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 2(b), special and miscellaneous services, one thousand five hundred (1,500) dollars; to Item 6, special and miscellaneous repairs, two hundred and fifty (250) dollars; to Item 12(b), repairs to roofs, three hundred (300) dollars; to Item 17(a), repairs to surgical instruments, two hundred (200) dollars; to Item 26, repairs to farming implements, three hundred and fifty (350) dollars; to Item 28(b), milk and ice, two thousand (2,000) dollars.

Wharves, Docks and Ferries: To Item 11(d), for temporary employes, dredging plant, one thousand five hundred (1,500) dollars; to Item 19 (new), for the purchase of a test-boring plant, two thousand five hundred (2,500) dollars.

Department of Supplies (Public Works—Director's Office): To Item 9, motorcycles, etc., one thousand (1,000) dollars; (Wharves, Docks and Ferries): To Item 3, for meats, vegetables, etc., five hundred (500) dollars.

City Commissioners: To Item 6(d), for miscellaneous expenses of the Courts of Common Pleas and Quarter Sessions, one thousand four hundred and sixty-eight (1,468) dollars and eighty-five (85) cents; to Item 21(b), to pay registrars, nineteen thousand seven hundred and eighty-three (19,783) dollars; to Item 21(c), extra clerk hire, two thousand (2,000) dollars; to Item 26(a), to pay election officers and clerks, twenty-five thousand two hundred and ninety-seven (25,297) dollars; to Item 29, rent of rooms, fifteen thousand four hundred and twenty-five (15,425) dollars; to Item 36(k) (new), to pay for criminal insane transferred from Norristown to Farview Insane Asylum, ten thousand (10,000) dollars.

Clerks of Councils: To Item 5(g), to pay for entertainment of guests and other expenses incident to the re-opening of Congress Hall, ten thousand (10,000) dollars, said amount to be expended under the supervision of the Committee on Finance.

Inspectors of the County Prisons (Reed Street Prison): To Item 2(a), traveling expenses for prison, one hundred (100) dollars; to Item 2(c), conveying prisoners, fifteen (15) dollars; to Item 4(e), mechanics' and engineers' supplies, five hundred (500) dollars; to Item 4(i), clothing and bedding, five hundred (500) dollars; to Item 4(o), milk, thirty (30) dollars; to Item 4(p), compressed yeast, twenty-five (25) dollars; to Item 5(a), materials for repairs, two thousand three hundred and thirty (2,330) dollars. (Holmesburg Prison): To Item 2(d), advertising, twenty-five (25) dollars; to Item 4(h), clothing and bedding, five hundred (500) dollars; to Item 4(k), beef, mutton and pork, one thousand five hundred (1,500) dol-

lars: to Item 4(o), compressed yeast, one hundred (100) dollars: to Item 6, materials for repairs, two thousand one hundred and twenty-one (2,121) dollars.

Board of Recreation: To Item 1(a), so as to provide for the salaries of twenty-three bath-house superintendents at the rate of fifty (50) dollars per month, for October, November and December, 1913, three thousand four hundred and fifty (3,450) dollars.

Board of Revision of Taxes: To Item 1(b), extra clerks, one thousand (1,000) dollars; to Item 2(d), printing, engraving, eight hundred (800) dollars, out of which shall be paid bill of Dunlap Printing Company of seven hundred and fifteen (715) dollars for printing blanks for personal property returns, etc.

Sheriff: To Item 1(c), extra clerks, two hundred and twenty-five (225) dollars; to Item 2(f), preparation and advertising proclamation, one thousand (1,000) dollars; to Item 3(a), stationery and books, six hundred (600) dollars; to Item 4(a), repairs to van, etc., three hundred (300) dollars; to Item 4(b), refurnishing offices, three hundred (300) dollars.

City Treasurer: To Item 7 (new), for stationery and expenses incident to sale of new loan, one thousand (1,000) dollars.

Approved the eighth day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE.

To approve the sureties of A. Merritt Taylor, Director, and of George T. Atkinson, Assistant Director, of the Department of City Transit.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Fidelity and Deposit Company, of Baltimore, Md., be, and is hereby

approved as the surety of A. Merritt Taylor, Director of the Department of City Transit, in the sum of twenty-five thousand (25,000) dollars, for the faithful performance of his duties.

That the Fidelity and Deposit Company, of Baltimore, Md., be, and is hereby approved as the surety of George T. Atkinson, Assistant Director of the Department of City Transit, in the sum of ten thousand (10,000) dollars, for the faithful performance of his duties.

Approved the eighth day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, City Commissioners, Commissioners of Fairmount Park, Receiver of Taxes, and City Treasurer, out of loan approved October 3, 1913, for the repayment of the temporary loan and the purchase of materials and supplies and maintenance, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the sum of two million two hundred thousand (2,200,000) dollars be, and the same is hereby appropriated to the various Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, City Commissioners, Commissioners of Fairmount Park, Receiver of Taxes, and City Treasurer, out of the loan approved October 3, 1913, for the repayment of the temporary loan and the purchase of materials and supplies and maintenance, for the year 1913, viz.:

DEPARTMENT OF PUBLIC SAFETY.

DIRECTOR'S OFFICE.

Item 140.

- | | |
|---|-------|
| (a) Transportation, communication service and miscellaneous, five hundred dollars.. | \$500 |
| (b) Rent of telautograph, twenty-three dollars | 23 |

BUREAU OF POLICE.

Item 140.

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|---|---------|
| (a) Salaries for patrolmen, five hundred thousand dollars | 500,000 |
|---|---------|

BUREAU OF FIRE.

Item 140.

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|--|-------|
| (a) Miscellaneous services, three hundred and fifty dollars | 350 |
| (b) Shoeing and pasturing animals, eight thousand dollars | 8,000 |
| (c) Repairs to apparatus and rebuilding apparatus, two thousand dollars..... | 2,000 |

BUREAU OF BUILDING INSPECTION.

Item 140.

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|--|----|
| (a) Miscellaneous expenses, forty-five dollars | 45 |
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BUREAU OF CORRECTION.

Item 140.

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|--|-----|
| (a) Repairs to elevator, two hundred dollars | 200 |
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DEPARTMENT OF PUBLIC WORKS.

BUREAU OF HIGHWAYS.

Item 140.

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|--|--|
| (a) Division of Construction and Maintenance, regular wages for employees for repairing streets not occupied by the Phila- | |
|--|--|

delphia Rapid Transit Company, thirty-five thousand dollars	35,000
(b) Division of Administration and Engineering, transportation of persons, subsistence and support of persons, communication service, advertising and publication of notices, one thousand dollars.....	1,000
(c) Division of Inspection, boarding, shoeing, storage and care of animals, two thousand dollars	2,000
(d) Division of Inspection, storage and care of motorcycles, one hundred and fifty dollars	150
(e) District offices of Assistant Engineers, storage and care of automobiles, three hundred and forty dollars.....	340
(f) District offices of Assistant Engineers, furnishing electric light, twenty-five dollars	25
(g) Division of Administration and Engineering, repairs to automobiles, one hundred dollars	100
(h) District offices of Assistant Engineers, repairs to automobiles, eight hundred dollars	800
(i) Division of Construction and Maintenance, hire of teams in connection with repairing and all kinds of maintenance work on all classes of streets and roads not occupied by the Philadelphia Rapid Transit Company, eight thousand dollars.....	8,000
(j) Division of Construction and Maintenance, hire of equipment with or without operatives and supplies, for repairing and all kinds of maintenance work on all classes of streets and roads not occupied by the Philadelphia Rapid Transit Company, one thousand five hundred dollars.....	1,500
(k) Division of Sewer Maintenance, hire of	

teams in connection with sewer repairs, one thousand dollars	1,000
(l) Division of Administration and Engi- neering, books, pamphlets, magazines, newspapers and miscellaneous expenses, fifty dollars	50
(m) District offices of Assistant Engineers, rent of offices and yards, one hundred and fifty dollars	150

BUREAU OF SURVEYS.

Item 140.

(a) For the construction of branch sewers, seventy-five thousand dollars	75,000
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BUREAU OF WATER.

Item 140.

(a) Transportation, hotel expenses, com- munication service, advertising and mis- cellaneous, main office, one thousand dol- lars	1,000
(b) Transportation and vehicle hire, office of General Superintendent, one thousand dol- lars	1,000
(c) Rent of fire extinguishers, pumping sta- tions, ninety dollars	90
(d) Rent of disinfectors, pumping stations, one hundred and fifty dollars	150
(e) Rent of electric current, pumping sta- tions, two hundred dollars	200
(f) Filtration, wages of laborers, twenty-five thousand dollars	25,000
(g) Equipment and repairs, wages of en- gineers, drivers, machinists, etc., twenty thousand dollars	20,000
(h) Extension of Reading Railroad siding to Shawmont coal chute, one thousand five hundred dollars	1,500

(i) Structural repairs, wages for machinists, painters, etc., fifteen thousand dollars....	15,000
(j) Distribution system, transportation, one thousand dollars	1,000
(k) Distribution system, hauling water pipe, one thousand dollars	1,000
(l) Distribution system, electric current, one hundred dollars	100
(m) Meter installation, wages for plumbers, machinists, etc., eight thousand dollars...	8,000
(n) Inspection of distribution, wages of drivers, at \$2.25 per day, one thousand dollars	1,000
(o) Inspection of distribution, care of animals, clipping, cleaning, etc., five hundred dollars	500
(p) Inspection of distribution, wages for plumbers, drillers, pitometer operators, etc., twenty thousand dollars.....	20,000
(q) Inspection of distribution, repairs to wagons, carts and harness, one thousand dollars	1,000
(r) Capital outlay, wages for caulkers, drillers and laborers, seven thousand dollars	7,000

BUREAU OF CITY PROPERTY.

Item 140.

(a) Main Office, carfare, postage, advertising and publication of notices, three hundred dollars	300
(b) City Architect, transportation and traveling expenses of employees, twenty-five dollars	25
(c) Division of City Foresters, carfare, seventy-five dollars	75
(d) Independence Hall, removal of ashes, Congress Hall, one hundred dollars.....	100

(e) Division of City Forestry, cement, lime, gravel, etc., fifty dollars	50
(f) Division of City Forestry, trees, evergreens, shrubs, seeds, flowers, bulbs, etc., one thousand dollars	1,000
(g) For laborers in squares, etc., three thousand dollars	3,000

DEPARTMENT OF PUBLIC HEALTH AND CHARITIES.

DIRECTOR'S OFFICE.

Item 140.

(a) Maintenance of automobile, five hundred dollars	500
(b) For support of feeble-minded children at Elwyn or elsewhere, two thousand dollars	2,000
(c) Care and treatment of children on City piers (wages and supplies), one thousand two hundred dollars	1,200

BUREAU OF HEALTH.

Item 140.

(a) To reimburse Dr. Joseph S. Neff, Director, for money advanced to Dr. W. H. Walsh, Superintendent of Philadelphia Hospital for Contagious Diseases, to retain services of nurses, four hundred and eighty-four dollars	484
(b) Miscellaneous expenses (Main Office), three hundred dollars	300
(c) For horse shoeing, two hundred dollars.	200
(d) Fees for examiners executing Registration Act, one hundred dollars.....	100
(e) Abatement of nuisances, two thousand dollars	2,000
(f) Miscellaneous expenses (sanitary inspection), two hundred dollars.....	200

(g) To pay employees of Hospital for Contagious Diseases, payroll, twenty-five thousand dollars	25,000
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BUREAU OF CHARITIES.

Item 140.

(a) Attendants' payroll, care of insane, twenty-six thousand five hundred dollars..	26,500
(b) Wages of mechanics, twelve thousand dollars	12,000

DEPARTMENT OF SUPPLIES.

DIRECTOR'S OFFICE.

Item 140.

(a) Wages of extra clerks, one thousand five hundred dollars	1,500
(b) Stationery, printing, etc., three thousand dollars	3,000

MAYOR'S OFFICE.

Item 140.

(a) Stationery, printing, etc., one thousand dollars	1,000
(b) Printing and binding Mayor's Message, etc., one thousand eight hundred dollars..	1,800
(c) Stationery, printing, etc., for Free Library, two thousand dollars.....	2,000
(d) Coal for Free Libraries, one thousand two hundred dollars	1,200
(e) Stationery, printing, etc., for Philadelphia Museums, one thousand five hundred dollars	1,500
(f) Coal for Philadelphia Museums, two thousand dollars	2,000
(g) Coal on account of the Department of Health and Charities, one thousand dollars	1,000

PUBLIC SAFETY.

Item 140.

(a) Stationery, printing, etc., six hundred dollars	600
(b) Meats, vegetables, fish and other sea foods, five thousand dollars	5,000
(c) Fuel, nine thousand dollars	9,000
(d) Horses, cattle and live stock, fifty dollars	50
(e) Harness, stable and veterinary supplies, five hundred dollars	500
(f) Hose and couplings, one hundred dollars	100
(g) Supplies and materials and parts for patrols, etc., one thousand five hundred dollars	1,500
(h) Dry goods, bedding, etc., two thousand dollars	2,000
(i) Lumber, paints, hardware, etc., seven hundred and fifty dollars	750

PUBLIC HEALTH AND CHARITIES.

Item 140.

(a) Milk and cream, nine thousand dollars	9,000
(b) Meats, vegetables, fish and other sea foods, twelve thousand dollars	12,000
(c) Flour, groceries and other edibles, fifty thousand dollars	50,000
(d) Marketing, two thousand dollars	2,000
(e) Fuel, forty thousand dollars	40,000
(f) Dry goods, clothing, bedding, etc., four thousand dollars	4,000
(g) Dry goods, drugs, surgical instruments, etc., five thousand dollars	5,000
(h) Hardware, materials for repairs, etc., three thousand dollars	3,000
(i) Laboratory supplies and equipment, three thousand dollars	3,000

(j) Eye and dental supplies, etc., one thousand dollars	1,000
(k) Vehicle and auto ambulance supplies, etc., three hundred dollars.....	300
(l) Feed and bedding for horses and other live stock, three thousand dollars.....	3,000
(m) Disinfecting materials, etc., and miscellaneous supplies, five thousand dollars....	5,000
(n) Vaccine virus, etc., four hundred dollars	400

PUBLIC WORKS.

Item 140.

(a) Stationery, printing, etc., twelve thousand dollars	12,000
(b) Fuel, seventy-five thousand dollars....	75,000
(c) Iron, water pipe and pig lead, forty thousand dollars	40,000
(d) Rubber goods and packing, five thousand dollars	5,000
(e) Lubricating oils and greases, ten thousand dollars	10,000
(f) Lumber, sands, cement, bricks, etc., seventy thousand dollars	70,000
(g) Hardware, cocks, valves, castings, etc., twenty thousand dollars	20,000
(h) Motor cycles and carts, etc., three thousand dollars	3,000
(i) Feed and bedding for horses, three thousand dollars	3,000
(j) Horses, two thousand dollars.....	2,000
(k) Electrical supplies, one thousand five hundred dollars	1,500
(l) Hypochloride of lime, alum, special articles, laboratory and miscellaneous supplies, twelve thousand dollars.....	12,000

MAYOR.

Item 140.

(a) Advertising ordinances, five thousand dollars	5,000
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CITY COMMISSIONERS.

Item 140.

(a) For per diem men regularly employed (main office) five hundred dollars.	500
(b) Printing assessors' list of voters. eight thousand seven hundred and fifty dollars.	8,750
(c) For printing for primary election, thirty thousand two hundred and fifty-four dollars and eighty-five cents.	30,254 85
(d) Advertising and miscellaneous expenses (main office), three hundred and six dollars	306
(e) Miscellaneous expenses, stationery, etc., Registration Commissioners, three hundred dollars	300
(f) Furniture and furnishings (main office), two hundred dollars	200
(g) Jurors' fees, forty thousand dollars.	40,000
(h) Witness fees, Quarter Sessions Courts, six hundred and fifty dollars.	650
(i) For salaries, Court employees, five thousand dollars	5,000
(j) Probation officers Juvenile Court, for transportation, communication service, printing, stationery and office rents, three hundred and thirty-two dollars.	332
(k) House of Detention, light and heat, office supplies, cleaning toilet, laundry soap, clothing, etc., eight hundred dollars.	800
(l) Care of boys and girls committed to Glen Mills schools, twenty thousand seven hundred and seventy-one dollars and twenty-nine cents	20,771 29

(m) Keep of prisoners of Philadelphia County in Eastern Penitentiary, twenty-five thousand dollars	25,000
(n) To pay bills of Pennsylvania Reformatory for Boys at Huntingdon, seventeen thousand dollars	17,000
(o) To pay for incurables at Wernersville, five thousand dollars	5,000
(p) To pay bills of industrial schools and for indigent and dependent persons, ten thousand dollars	10,000
(q) Burial of indigent soldiers, sailors and marines, two thousand five hundred dollars	2,500
(r) To reimburse Philadelphia County Fair Association for money expended for prizes for agricultural products, live stock, etc., one thousand dollars.....	1,000

COMMISSIONERS OF FAIRMOUNT PARK.

Item 140.

(a) To pay salaries of rangers, one thousand seven hundred and sixteen dollars.....	1,716
(b) Labor, skilled and unskilled, sixty thousand dollars	60,000

RECEIVER OF TAXES.

Item 140.

(a) Poll tax printing, to pay bills of A. Anderman, one hundred and eighty-six dollars and sixty-three cents, and Dunlap Printing Company, three hundred and thirty-three dollars; total, five hundred and nineteen dollars and sixty-three cents...	519 63
(b) For salaries of extra clerks, two thousand dollars	2,000

CITY TREASURER.

Item 140.

(a) To repay temporary loan, six hundred and eight thousand dollars.....	608,000
(b) For interest on new loans, thirty-three thousand eight hundred and ninety-three dollars and twenty-three cents.....	33,893 23
(c) To pay the balance due the Commonwealth of Pennsylvania on personal property tax for the year 1913, eighty thousand dollars	80,000

Approved the twenty-ninth day of October, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Supplies, Board of Recreation, Mayor, City Commissioners, City Controller, Coroner, Clerks of Councils, Inspectors of the County Prisons and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be authorized and directed to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Supplies, Board of Recreation, Mayor, City Commissioners, City Controller, Coroner, Clerks of Councils, Inspectors of the County Prisons and City Treasurer, for the year 1913, viz.:

Department of Public Safety (Director's Office): From Item 2, for transportation, etc., five hundred and twenty-three (523) dollars. Bureau of Police: From Item 5, for uniforms, five hundred (500) dollars; from Item 19 (b),

rent of patrol motor boat, one hundred and seventy-two (172) dollars. Bureau of Fire: From Item 1, salaries, three thousand (3,000) dollars; from Item 2 (a), postal service, one hundred (100) dollars; from Item 5, salaries, fourteen thousand nine hundred and forty-nine (14,949) dollars and thirty-six (36) cents; from Item 7, uniforms, thirteen thousand (13,000) dollars. Bureau of Correction: From Item 3, salaries, two hundred and forty-five (245) dollars. Electrical Bureau: From Item 5 (b), incandescent current, four thousand (4,000) dollars; from Item 6 (b), wages, one thousand five hundred (1,500) dollars; from Item 8 (b), wages, two thousand (2,000) dollars; from Item 9, wages of laborers, eight hundred (800) dollars; from Item 14 (b), wages, three hundred and ninety-six (396) dollars and eighty-seven (87) cents; from Item 17 (b), wages, one thousand (1,000) dollars.

Department of Public Works (Bureau of Highways): From Item 1, salaries, seven thousand (7,000) dollars; from Item 6, salaries, two thousand four hundred (2,400) dollars; from Item 7, salaries, one thousand eight hundred (1,800) dollars; from Item 8, salaries, two thousand four hundred (2,400) dollars; from Item 12, salaries, four thousand nine hundred (4,900) dollars; from Item 17, salaries, four thousand five hundred (4,500) dollars; from Item 19, salaries, three thousand (3,000) dollars; from Item 21, salaries, eight hundred (800) dollars. Bureau of Water: From Item 1, salaries, one thousand five hundred (1,500) dollars; from Item 6, salaries, four hundred and fifty (450) dollars; from Item 8, salaries, ten thousand (10,000) dollars; from Item 13, salaries, thirty-two thousand (32,000) dollars; from Item 16, salaries, four thousand five hundred (4,500) dollars; from Item 17, salaries, one thousand (1,000) dollars; from Item 18, salaries, three hundred (300) dollars; from Item 22, salaries, five hundred (500) dollars; from Item 25, salaries, eight thousand (8,000) dollars. Bureau of City Property: From Item 17 (c), general repairs to the Morgue, four hundred (400) dollars.

Department of Supplies (Public Safety): From Item 3, tobacco, flour, groceries, etc., one thousand two hundred

(1,200) dollars: from Item 6, feed and bedding for horses, etc., seven thousand three hundred (7,300) dollars.

Board of Recreation: From Item 1, salaries, four thousand five hundred (4,500) dollars.

Mayor: From Item 19, historical pageant, ten thousand (10,000) dollars.

Coroner: From Item 2 (a), transportation of persons, five hundred (500) dollars; from Item 2 (f), telegraph and telephone, two hundred (200) dollars; from Item 2 (g), postage, seven hundred (700) dollars; from Item 2 (i), advertising and publication of notices, one hundred (100) dollars.

City Treasurer: From Item 4 (d), sinking fund on new loans, ten thousand and eighty-seven (10,087) dollars.

To the following:

Department of Public Safety (Electrical Bureau): To Item 2 (b), incidentals, supplies, three hundred and ninety-six (396) dollars and eighty-seven (87) cents; to Item 15 (b), telephone service from telephone companies, one thousand (1,000) dollars; to Item 13, for additions to steam piping system, five thousand four hundred (5,400) dollars; to Item 18 (d), for improvements, additions and equipment of fire alarm system, two thousand nine hundred (2,900) dollars. Bureau of Police: To Item 4 (a), postage, advertising, etc., five hundred (500) dollars; to Item 10 (a), photographic materials, one hundred and seventy-two (172) dollars.

Department of Public Works (Bureau of Highways): To Item 59, for macadamizing Bustleton Pike, from Cottman street to Castor road, twenty-three thousand (23,000) dollars; Fifty-fourth street, from Grays avenue to Gibson avenue, nine hundred and fifty (950) dollars, and Grant avenue, from Ashton road to Academy road, five thousand (5,000) dollars; total, twenty-eight thousand nine hundred and fifty (28,950) dollars. Bureau of Water: To Item 11 (c), for hauling ashes, seven thousand (7,000) dollars; to Item 16, wages, two thousand (2,000) dollars; to Item 16 (b), hire of horses, single

and double teams, one thousand (1,000) dollars; to Item 17, wages, twenty-two thousand (22,000) dollars; to Item 18 (c), hire of horses, single and double teams, three thousand (3,000) dollars; to Item 25, salaries, three thousand (3,000) dollars; to Item 27 (b), wages, fifteen thousand (15,000) dollars; to Item 28 (c) hire of horses, single and and double teams, three thousand (3,000) dollars; to Item 29, wages, two thousand two hundred and fifty (2,250) dollars. Director's Office: To Item 1 (c), to pay William Hansel & Son for damages caused by break of water pipe at Second and Market streets, January 11, 1912, two hundred and eleven (211) dollars and eighty-five (85) cents.

Board of Recreation: To Item 2 (a), for hire of vehicles, transportation, etc., seven hundred (700) dollars; to Item 3 (b), towels, soap, ice, etc., three hundred (300) dollars; to Item 4 (a), general repairs for playgrounds, two thousand five hundred (2,500) dollars; to Item 5 (a), playground materials, apparatus, etc., one thousand (1,000) dollars.

Department of Supplies (Public Works): To Item 2, for fuel, thirty-eight thousand six hundred and eighty-one (38,681) dollars and fifteen (15) cents.

Department of Public Health and Charities (Bureau of Charities): To Item 39½, to continue the work of erecting the storm water sewer at the Philadelphia Home for the Indigent, seven thousand (7,000) dollars; to Item 41, toward contract of Holmesburg Water Company, two hundred (200) dollars.

Mayor: To Item 20, to pay Mark P. Wells for the additional work performed at the Temporary Convention Hall, two thousand seven hundred and forty-nine (2,749) dollars and thirty-six (36) cents.

City Commissioners: To Item 22 (a), automobile hire, meals, etc., five hundred (500) dollars; to Item 26 (b), extra help for per diem and overtime, five thousand (5,000) dollars.

City Controller: To Item 2 (a), meals for overtime work, two hundred and fifty (250) dollars; to Item 2 (b),

special and miscellaneous and communication service, one hundred and fifty (150) dollars; to Item 3 (a), stationery and office supplies, four hundred (400) dollars; to Item 3 (b), for printing warrants for the year 1914, one thousand four hundred and seventy-five (1,475) dollars.

Coroner: To Item 1 (b), jurors' fees, three hundred (300) dollars; to Item 3 (a), stationery and office supplies, five hundred (500) dollars; to Item 3 (d), cleaning and toilet disinfectants and chemicals, one hundred (100) dollars; to Item 3 (e), special and miscellaneous expenses, six hundred (600) dollars; to Item 4 (b), special and miscellaneous expenses for Morgue, four hundred (400) dollars.

Clerks of Councils: To Item 5 (b), to reimburse Admiral George W. Melville Garrison, Army and Navy Union, for expenses incurred on Memorial Day, 1913, one hundred and thirty-seven (137) dollars.

Inspectors of County Prisons: Reed Street Prison: To Item 1 (a), so that the salaries of the Superintendent shall be at the rate of five thousand (5,000) dollars per annum in lieu of three thousand five hundred (3,500) dollars, and of the clerk at two thousand one hundred (2,100) dollars per annum in lieu of one thousand eight hundred (1,800) dollars from July 1, and to provide for two keepers (women) at seven hundred and fifty (750) dollars per annum each, one thousand one hundred and fifty (1,150) dollars. Holmesburg Prison: To Item 1 (a), so that the salary of the Assistant Superintendent shall be at the rate of two thousand five hundred (2,500) dollars per annum, in lieu of one thousand eight hundred (1,800) dollars per annum, from July 1, three hundred and fifty (350) dollars.

Approved the first day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place upon the City plan and condemn the plot of ground bounded by the line of Cheltenham avenue, Anderson street, Ardleigh street and Woodlawn street, as a public playground for the health and enjoyment of the people, and place such ground under the custody and management of the Board of Recreation.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That by virtue and in pursuance of the authority vested in them by the Fourth Section of an Act of Assembly, approved May 13, 1857, they do select and appropriate for park and playground purposes, and for the health and enjoyment of the people forever, all that certain lot or piece of ground situate in the Twenty-second Ward of the City of Philadelphia and described as follows, to wit: Bounded by the southeast side of Cheltenham avenue, the southwest side of Anderson street, the northwest side of Woodlawn street and the northeast side of Ardleigh (formerly Sullivan) street: *Provided*, That before this ordinance shall go into effect the owner or owners shall first dedicate to the City of Philadelphia all of the bed of Woodlawn street, between Anderson street and Ardleigh street, as is owned by them.

SECT. 2. That the Department of Public Works (Bureau of Surveys) be authorized and directed to place upon the City plan as a public park and playground the property described in Section 1.

SECT. 3. The City Solicitor is hereby directed to file in the Court of Quarter Sessions a petition on behalf of the City, setting forth the ground herein appropriated, to the end that said Court shall appoint a jury to assess the damages as provided by law. Payment for said ground shall be taken out of the sum of one hundred thousand (100,000) dollars authorized to be borrowed by loan approved February 25, 1913, for children's playgrounds.

SECT. 4. As soon as the City shall become legally possessed of the tract of ground herein described the said tract shall be placed under the control of the Board of

Recreation, subject to such rules and regulations as have been, or shall, from time to time, be established by the said Board of Recreation for the care, management and maintenance of public playgrounds.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the striking from the City plan of Queen and Christian streets, between the easterly line of Delaware avenue and the pierhead line of the Delaware river.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to strike Queen street and Christian street from the City plan, between the easterly line of Delaware avenue and the pierhead line of the Delaware river.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To strike from the City plan Brookdale street, from Sixth and Tabor streets to Seventh street and Olney avenue, and to place on the plan in lieu thereof Seventh street, between Tabor street and Olney avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of

Public Works (Board of Surveyors) be authorized and directed to strike from the City plan Brookdale street, from Sixth and Tabor streets to Seventh street and Olney avenue, and to place on the plan in lieu thereof Seventh street, of the width of sixty feet, from Tabor street to Olney avenue: *Provided*, That within one year from the approval of this ordinance the abutting property owners file a release of all claims for damages caused by the striking off of said Brookdale street: *Provided further*, That within one year from the approval of this ordinance the bed of said Seventh street be dedicated free of cost to the City of Philadelphia.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the completion of the resurfacing of Overbrook avenue, to the full width, from Fifty-seventh street to City avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into a contract for the completion of the resurfacing of Overbrook avenue, to the full width, from Fifty-seventh street to City avenue. The cost of the said work to be taken from Item 133 (loan) of the appropriation to the Department of Public Works (Bureau of Highways).

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Premier Brewing Company to construct a concrete loading platform in front of their property, No. 844-854 North Orianna street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Premier Brewing Company to construct a concrete loading platform in front of their property, No. 844-854 North Orianna street, to be constructed under the supervision and to the satisfaction of the Department of Public Works in accordance with plans to be approved by the Board of Highway Supervisors. Before exercising any privilege under this ordinance, the said Premier Brewing Company shall enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said platform, and agreeing to remove the same and restore the street to its present condition upon the passage of an ordinance to that effect; and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the payment of the sum of two hundred and eleven (211) dollars to Ellen Scanlin, Mary McNamee and Elizabeth Buzby, devisees under the will of James J. Scanlin, deceased, in full settlement of their claim for damages to their property, occasioned by a break in the water mains in Eva street, near Shawmont avenue, Roxborough, on November 28, 1911.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hun-

dred and eleven (211) dollars be paid to Ellen Scanlin, Mary McNamee and Elizabeth Buzby, devisees under the will of James J. Scanlin, deceased, for damages to their property, occasioned by a break in the water main on Eva street, near Shawmont avenue, Roxborough, on November 28, 1911, out of the sum of eighteen thousand (18,000) dollars appropriated by ordinance, dated July 3, 1912, to the Department of Public Works (Bureau of Water), "for work and materials to be used in the repair of the said damages to real estate, etc."

SECT. 2. The Director of the Department of Public Works is hereby authorized to draw, the City Controller to countersign, and the City Treasurer to pay, a warrant for the aforesaid sum in favor of the said Ellen Scanlin, Mary McNamee and Elizabeth Buzby, devisees under the will of James J. Scanlin, deceased, in full satisfaction for said damages upon the execution by them of a release to the City of Philadelphia of all claims for damages to their property by reason of the breaking of said water main as aforesaid, said release to be approved by the City Solicitor.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor, of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant to pay Edwin H. Vare for work done in connection with the completion of the South Broad Street Boulevard, southward from Moyamensing avenue.

WHEREAS, Edwin H. Vare, after due advertisement, entered into a contract for the completion of the South Broad Street Boulevard, southward from Moyamensing avenue, which contract was cancelled and annulled by mutual agreement dated June 27, 1913;

AND WHEREAS, An estimate, dated May 5, 1913, amounting to fifteen thousand three hundred and ninety-one (15,391) dollars and seventy-nine (79) cents for material delivered and work performed prior to date of the agreement to annul said contract has not been paid;

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works is hereby authorized and directed to draw, and the City Controller to countersign, a warrant in favor of Edwin H. Vare in the sum of fifteen thousand three hundred and ninety-one (15,391) dollars and seventy-nine (79) cents, for work done in connection with the completion of the South Broad Street Boulevard, from Moyamensing avenue southward, payment to be made from Item 60 (loan), in the appropriation to the Department of Public Works (Bureau of Highways).

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize Robert H. Foerderer, Incorporated, to construct and maintain a track or siding across Garden street in front of its property, located at Garden and Brill streets, in the Forty-fifth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That Robert H. Foerderer, Incorporated, be, and is hereby authorized to construct and maintain a track or siding across Garden street in front of its property, located at Garden and Brill streets in the Forty-fifth Ward, as shown on plan on file in the Department of Public Works (Bureau of Surveys): *Provided*, That said track or siding shall be laid under the supervision of the Department of Public Works (Board of Highway Supervisors), and shall be removed

upon the passage of an ordinance or resolution to that effect, without any recourse against the City for damages, either property, personal or otherwise: *And provided further*, That the sum of fifty (50) dollars shall be first paid into the City Treasury to pay for the publication of this ordinance.

Approved the third day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit the Bergner & Engle Brewing Company to erect a pipe over Thompson street, east of Thirty-second street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is, hereby granted to the Bergner & Engle Brewing Company to construct and maintain a pipe over and across Thompson street, at a point about one hundred and ninety-seven feet east of Thirty-second street, connecting the buildings of the Bergner & Engle Brewing Company and the Penn Grain and Feed Company on either side of said street, for the purpose of transporting the waste of the brewery. The said pipe to be constructed of wrought iron, not to exceed six inches in diameter, and to have a clearance of not less than thirty-five feet above the curb height. It shall be constructed under the supervision of the Department of Public Works, in accordance with plans to be approved by said Department. Before exercising any privileges under this ordinance, the said The Bergner & Engle Brewing Company shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the construction and maintenance of said pipe, and shall pay into the City Treasurer the sum of fifty (50) dollars for the

publication of this ordinance. The privilege hereby granted shall be revocable at any time and the pipe removed upon the passage of an ordinance of Councils to that effect.

Approved the fifth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the City Solicitor to satisfy of record all claims for taxes against the Garretson Hospital, on Hamilton street, between Seventeenth and Eighteenth streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Solicitor be authorized and directed to satisfy of record all claims for taxes against the Garretson Hospital, on Hamilton street, between Seventeenth and Eighteenth streets, in accordance with Act of Assembly approved the nineteenth day of June, A. D. 1913, entitled "An Act providing that taxes assessed against property used exclusively for public hospital purposes, and which have not been paid, shall be remitted by the municipal authority levying the same."

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the fifth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to draw, and the City Controller to countersign, a warrant in payment of bills of Edwin H. Vare for

services of superintendent and watchmen in the care and protection of the work on the Southern Boulevard.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized to draw, and the City Controller to countersign, a warrant in favor of Edwin H. Vare, in the sum of four thousand nine hundred and two (4,902) dollars and sixty-five (65) cents, for expenses incurred by the said Edwin H. Vare for services of superintendent and watchmen in the care and protection of the work on the Southern Boulevard, from October 12, 1911, to July 12, 1913, and charge the same against Item 60 (loan) in the annual appropriation to the Department of Public Works (Bureau of Highways), for the year 1913.

Approved the sixth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing The Bell Telephone Company of Pennsylvania to construct and maintain a bridge over and across Ludlow street, west of Fourth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and the same is hereby given to The Bell Telephone Company of Pennsylvania to construct and maintain a bridge over and across Ludlow street, west of Fourth street, for the purpose of connecting premises No. 406 Market street with premises commonly known as the "Bourse Building." The said bridge to be of steel frame covered with sheet metal and glass, and not to exceed eight (8) feet in width, and have a clearance not less than ninety-nine (99) feet above the surface of the street, and shall be constructed under the supervision of the Department of

Public Works in accordance with plans to be approved by said Department.

Before exercising any privilege under this ordinance the said The Bell Telephone Company of Pennsylvania shall enter into an agreement, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the construction and maintenance of the said bridge, and to remove the same upon the passage of an ordinance of Councils to that effect, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the sixth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit John F. Betz & Son, Limited, to construct and maintain a conveyor tunnel under and across the sidewalk on Callowhill street, west of Lawrence street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain,* That permission be, and is hereby granted to John F. Betz & Son, Limited, to construct and maintain a conveyor tunnel under and across the sidewalk on the north side of Callowhill street, at a point about sixty-six feet west of Lawrence street. The said conveyor to have an entrance not exceeding three feet eight inches in width, and shall be used exclusively in the conduct of the business of said John F. Betz & Son, Limited, and shall be constructed under the supervision and to the satisfaction of the Department of Public Works, in accordance with plans to be approved by the Board of Highway Supervisors. Before exercising any privilege under this ordinance, the said John F. Betz & Son, Limited, shall first file an agreement, satisfactory to the City Solicitor, indemnifying the City against all damages

by reason of the construction and maintenance of said conveyor, and remove the same and restore the sidewalk to its present condition at any time within one year from the passage of an ordinance to that effect, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the sixth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Clifford, Daniel, Dickinson, Felton, Fifty-eighth, Granite, Haworth, Ithan, Livezey, Mifflin, Moore, Pratt, Ruscomb, Sixteenth, Stanton, Thirtieth, Thirty-first, Thirty-second, Thirty-fifth and Walker streets, Elkins, Kingsessing, Montgomery, Ripka and Susquehanna avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in the following streets, viz.: Clifford street, from Montgomery street to about seventy-five feet southwest; Daniel street, from Naomi avenue to Hermit lane; Dickinson street, from Maiden lane to Thirty-fifth street; Felton street, from Haverford avenue to Girard avenue; Fifty-eighth street, from Baltimore avenue to the West Chester Branch of Pennsylvania Railroad; Granite street, from Jackson street to about one hundred and ninety-two feet west of Cottage street; Haworth street, from Jackson to Valley street; Ithan street, from Kingsessing avenue to Greenway avenue; Livezey street, from Ridge avenue to about one thousand feet eastward; Mifflin street, from Twenty-fourth street to Maiden lane; Moore street, from Schuylkill avenue to Twenty-eighth street; Pratt street, from Jackson to Valley street; Ruscomb street, from Twelfth to Thirteenth street; Sixteenth street, from Lycoming

street to Hunting Park avenue; Stanton street, from Cresson street to Midvale avenue; Thirtieth street, from Dickinson to Tasker street; Thirty-first and Thirty-second streets, from Reed to Tasker street; Thirty-fifth street, from Reed to Moore street; Walker street, from Pratt to Valley street; Elkins avenue, from Sixth to Fairhill street; Kingsessing avenue, from Frazier to Ithan street; Montgomery avenue, from Sedgley avenue to Glenwood avenue; Ripka avenue, from Pechin street to Manayunk avenue; Susquehanna avenue, from Bryn Mawr avenue to Fifty-second street.

Approved the seventh day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the grading and paving of Twentieth street, from Shunk to Johnston street, and Johnston street, from Twentieth to Twenty-first street, at the expense of the Girard Estate, and prior to the construction of underground structures.

WHEREAS, Penrose Ferry road, between Shunk street and Curtin street, was stricken from the City plan on July 1, 1901, and is now physically closed to travel; and whereas, there is no connection opened to vehicular travel between the north end of Penrose Ferry road and the southern end of Twentieth street; and whereas, the paving of Twentieth street and Johnston street would create a thoroughfare for which there is great demand; and whereas, the Girard Estate has agreed to bear the entire cost of the improvement of said streets, provided that the pavement, when laid, will be finally accepted by the City.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to approve a private paving

contract between the Girard Estate and a contractor for grading and paving Twentieth street, from Shunk to Johnston street, and Johnston street, from Twentieth to Twenty-first street, with asphalt and vitrified block gutters, prior to the construction of a sewer and other underground structures: *Provided*, That a bond, satisfactory to the City Solicitor, be first filed, covenanting and agreeing to keep said pavement in good order and repair for five (5) years after the work is completed: *And provided, further*, That the owners of property abutting on these streets shall not be liable for future assessments for paving or repaving said streets.

All ordinances or parts of ordinances inconsistent herewith be, and the same are, hereby repealed.

Approved the tenth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the paving of Alden, Allison, Clifford, Courtland, Darien, Delphine, Eighth, Fiftieth, Fifty-seventh, Fifty-ninth, Felton, Irving, Jackson, Kennedy, Lee, Ludlow, Markoe, Orthodox, Pilling, Tenth, Twelfth, Thirteenth, Twenty-first, Twenty-fourth, Twenty-sixth, Thirtieth and Thirty-first streets, Hoffman and Osage avenues, Cobbs Creek Parkway, Allengrove, Bonsall, Camae, Fifteenth, Harrison, Laurens, Oakland, Ruscomb, Tower, Third and Tenth streets, Montgomery and Wyoming avenues, Hermit and Ionic streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts with competent pavers for paving the following streets with the best quality of refined natural asphalt, using vitrified brick gutters when and where deemed neces-

sary by the Director of the said Department, viz.: Alden street, from Washington avenue to Christian street; Allison street, from Spruce to Pine street; Clifford street, from Montgomery avenue to about seventy-five feet southwestward; Courtland street, from York road to the Boulevard; Darien street, from Luzerne street to Hunting Park avenue; Delphine street, from Third to Fifth street; Eighth street, from Ontario to Tioga street; Fiftieth street, from Spruce to Locust street; Fifty-seventh street, from Stewart to Haddington street; Fifty-ninth street, from Spruce to Pine street; Felton street, from Haverford avenue to Girard avenue; Irving street, from Sixty-first to Sixty-second street; Jackson street, from Front to Swanson street; Kennedy street, from James to Eadom street; Lee street, from Allegheny avenue to Willard street; Ludlow street, from Fifty-fourth to Fifty-fifth street; Markoe street, from Chestnut to Walnut street; Orthodox street, from Richmond to Allen street; Pilling street, from Orthodox to Arrott street; Tenth street, from Ruscomb street to Lindley avenue; Twelfth street, from Wingohocking to Loudon street; Thirteenth street, from Wingohocking to Loudon street; Twenty-first street, from Cambria street to Indiana avenue; Twenty-fourth street, from Point Breeze avenue to Snyder avenue; Twenty-sixth street, from Indiana avenue to Clearfield street; Thirtieth street, from Dickinson to Tasker street; Thirty-first street, from Reed to Tasker street; Hoffman avenue, from Fifty-seventh to Fifty-eighth street; Osage avenue, from Fifty-seventh to Fifty-eighth street; Cobbs Creek Parkway, from Baltimore avenue to the West Chester Branch of the Pennsylvania Railroad.

The following streets with vitrified fire clay or shale bricks or blocks, viz.: Allengrove street, from Oakland to Horrocks street; Bonsall street, from Sansom to Ionic street; Camac street, from Wyoming avenue to Rockland street; Fifteenth street, from Lindley avenue to Duncannon avenue; Harrison street, from Horrocks to Oakland street; Laurens street, from Winona avenue to Coulter street; Oakland street, from Harrison to Allengrove street; Ruscomb street, from Twelfth to Thirteenth

street; Tower street, from Pennsdale to Levering street; Third street, from Bristol to Wingohocking street; Tenth street, from Ruscomb street to Lindley avenue; Montgomery avenue, unpaved portion, from Sedgley avenue to Glenwood avenue; Wyoming avenue, from York road to the Boulevard.

The following streets with dressed granite blocks, viz.: Hermit street, from Terrace to Dexter street; Ionic street, from Twenty-third to Twenty-fourth street.

The portion of the work to be paid for by the City shall be taken from the item for intersections in the appropriation to the Department of Public Works (Bureau of Highways). The conditions of the contracts shall be that the contractors shall collect the cost of paving from the owners of property respectively fronting on said streets, and shall enter into an obligation with the City to keep said streets in good repair for five years after the paving is finished: *Provided*, That said streets shall be first dedicated or properly opened, and that the Director of the Department of Public Works shall advertise for proposals for paving said streets and award the contracts to the lowest responsible bidders, and that the owners of property fronting on said streets shall not be charged more than the contract price.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the tenth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To give preference and protection to honorably discharged soldiers, sailors and marines who served in the Civil, Spanish-American or Philippine Wars, and to their widows, or an army nurse of said wars.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That in making appoint-

ments and reinstatements to, promotions and transfers in, any of the offices of the Municipal Government, preference shall be given to honorably discharged soldiers, sailors and marines who served in the Civil, Spanish-American or Philippine Wars, and to their widows, or an army nurse of said wars, without time limitation in making reinstatement to a position competitive at date of request.

SECT. 2. No honorably discharged soldier, sailor or marine, who served in the Civil, Spanish-American or Philippine Wars, or his widow, or an army nurse of said wars, employed in any of the offices of the Municipal Government, whose record is rated as "good," shall be suspended, discharged, dropped or reduced in position, salary or wages, unless funds are exhausted, in which case said employees shall be the last to be affected, and when funds are replenished shall be the first to be reinstated: *Provided*, The provisions of this ordinance shall not apply to persons charged with criminal offence, dereliction or neglect of duty, drunkenness or disorderly conduct, but that no such charges shall be sufficient to cause discharge or reduction of pay or wages, or demotion, until after fair and impartial trial shall be had, in accordance with the provisions of existing laws.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, November 10, 1913.

This is to certify that the ordinance entitled "An Ordinance to give preference and protection to honorably discharged soldiers, sailors and marines who served in the Civil, Spanish-American or Philippine Wars, and to their widows, or an army nurse of said Wars," was presented to the Mayor on the twenty-fourth day of October, 1913, and was not returned at a meeting of Councils held

ten days after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Board of Recreation, Civil Service Commission, City Commissioners, Receiver of Taxes, City Treasurer and Board of Revision of Taxes, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be, and he is hereby authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Works, Public Health and Charities, Wharves, Docks and Ferries, Supplies, Board of Recreation, Civil Service Commission, City Commissioners, Receiver of Taxes, City Treasurer and Board of Revision of Taxes, for the year 1913, viz.: Department of Public Works (Bureau of City Property): From Item 8 (a), salaries, thirty-one (31) dollars and fifty (50) cents; from Item 9 (f), window cleaning, City Hall, three thousand (3,000) dollars. Department of Public Health and Charities (Bureau of Charities): From Item 11 (b), ice making, two hundred (200) dollars; from Item 11, gas for fuel, seven hundred (700) dollars; from Item 14, salaries, three hundred and seventy-five (375) dollars; from Item 27, salaries, one hundred and seventy-five (175) dollars. Department of Supplies (Mayor): From Item 6,

stationery, etc., Philadelphia Museums, six hundred and forty-eight (648) dollars and seventy-five (75) cents; (Public Safety): From Item 4, for fuel, six thousand (6,000) dollars; (Public Works): from Item 2, fuel, twenty-four thousand (24,000) dollars. Civil Service Commission: From Item 1 (a), salaries, one thousand one hundred (1,100) dollars. Receiver of Taxes: From Item 1, salaries, forty-nine (49) dollars; from Item 3 (a), transportation, etc., six hundred (600) dollars; from Item 3 (c), postage, one hundred (100) dollars; from Item 4, miscellaneous and incidentals, seven hundred and fifty (750) dollars; from Item 5 (a), salaries, branch offices, one hundred and seventy-seven (177) dollars; from Item 7 (b), miscellaneous, branch offices, five hundred and fifty (550) dollars; from Item 9 (a), salaries, State taxes, eighty-three (83) dollars; from Item 10 (a), salaries, delinquent office, two hundred and twenty-nine (229) dollars; from Item 13 (b), over-paid water rents, one hundred (100) dollars. City Treasurer: From Item 4 (f), interest on new loans, twenty-two thousand two hundred and fifty-one (22,251) dollars and fifty-nine (59) cents. Board of Revision of Taxes: From Item 1 (a), salaries, seven hundred (700) dollars, to the following:

Department of Public Works (Bureau of City Property): To Item 3 (g), for the payment of taxes on the Lazaretto, Delaware County, one hundred and twenty-six (126) dollars and ninety (90) cents; to Item 8 (a), to pay Frances A. Cannon, for services as janitress, thirty-one (31) dollars and fifty (50) cents; to Item 14 (a), laborers in squares, etc., three thousand (3,000) dollars: *Provided*, That out of this amount seven (7) dollars shall be paid to George Sonneck for services rendered as a laborer in squares.

Department of Public Health and Charities (Bureau of Charities): To Item 6, special and miscellaneous repairs, four hundred and seventy-five (475) dollars; to Item 8 (b), repairs to harness, automobiles, etc., five hundred and seventy-five (575) dollars; to Item 17 (a), repairs to surgical instruments, four hundred (400) dollars.

Department of Supplies (Mayor): To Item 6½ (new), to pay for a gasoline runabout delivery wagon for the Commercial Museum, six hundred and forty-eight (648) dollars and seventy-five (75) cents. (Civil Service Commission): To Item 9, for stationery, printing, etc., two hundred and fifty (250) dollars. (Public Safety): To Item 12, for electrical instruments, cable, materials, etc., six thousand (6,000) dollars. (Public Works): To Item 2, fuel, to pay bill of Rogers-Corr Coal Co., for coal heretofore delivered, twenty-four thousand (24,000) dollars.

Civil Service Commission: To Item 1 (b), salaries for special or extra examiners, etc., two hundred (200) dollars; to Item 3 (c), miscellaneous, fifty (50) dollars; to Item 4, repairs and alterations, one hundred (100) dollars; to Item 5, equipment for apparatus, etc., five hundred (500) dollars.

Board of Recreation: To Item 1 (b), temporary employees, for the purpose of beginning evening recreation in school buildings, one thousand seven hundred (1,700) dollars.

City Commissioners: To Item 6 (e), postage, printing and miscellaneous, parole officers, three hundred (300) dollars; to Item 21 (c), extra clerk hire, Board of Registration Commissioners, three thousand five hundred (3,500) dollars.

Receiver of Taxes: To Item 3 (b), meals, seven hundred (700) dollars; to Item 3 (e), advertising, three hundred (300) dollars; to Item 2 (b), extra clerks, one thousand six hundred and thirty-eight (1,638) dollars.

City Treasurer: To Item 4 (k), to provide monthly payments, etc., to indigent widows and abandoned mothers for partial support of their children, sixteen thousand six hundred and twenty-four (16,624) dollars and sixty-nine (69) cents.

Board of Revision of Taxes: To Item 1 (b), for extra clerks, seven hundred (700) dollars.

SECT. 2. The City Controller be, and he is hereby authorized to make the following transfers of loan funds in the several Bureaus in the Departments of Wharves, Docks and Ferries, Supplies and City Treasurer, viz.:

Wharves, Docks and Ferries: From Item 110 (loan), for the completion of Vine street pier, including installation of elevators, immigration station, electric light service, etc., fourteen thousand (14,000) dollars; from Item 111 (loan), for repairs, alterations and extensions to City wharves, bulkheads, landings and recreation piers, ten thousand (10,000) dollars; from Item 113 (loan), to make necessary repairs to sub and superstructure of Chestnut street pier, replacing decking with suitable creosoted wood blocks, etc., five hundred and fifty-three (553) dollars and fifty-six (56) cents; from Item 116 (loan), for bulkhead construction and repairs and alterations to existing City bulkheads along the Schuylkill river, three thousand four hundred and ninety-four (3,494) dollars and three (3) cents.

Department of Supplies (Public Safety): From Item 140 (c) (loan), for fuel, eight hundred (800) dollars. (Public Works): From Item 140 (b) (loan), fuel, sixty thousand six hundred (60,600) dollars.

City Treasurer: From Item 140 (c) (loan), personal property tax, four thousand four hundred and seventeen (4,417) dollars and thirty-seven (37) cents, to the following:

Wharves, Docks and Ferries: To Item 115 (loan), for pier and bulkhead at the foot of Dock street and Spruce street, including electric lighting and mechanical freight handling equipment, twenty-eight thousand and forty-seven (28,047) dollars and fifty-nine (59) cents.

Department of Supplies (Public Safety): To Item 140 (e) (loan), for harness and stable supplies, eight hundred (800) dollars. (Public Works): To Item 140 (b) (loan), fuel, to pay bills for coal heretofore delivered, as follows: Frank F. Mathers, four hundred (400) dollars; Philadelphia and Reading Coal and Iron Co., twenty-four thousand (24,000) dollars; Gano, Moore & Co., thirty-six thousand two hundred (36,200) dollars; total, sixty thousand six hundred (60,600) dollars.

City Treasurer: To Item 140 (d) (loan), salaries and wages for extra help, fifty (50) dollars; to Item 140 (e)

(loan), transportation of persons, twenty-five (25) dollars; to Item 140 (f) (loan), subsistence of persons, seventy-five (75) dollars; to Item 140 (g) (loan), communication service, four hundred (400) dollars; to Item 140 (h) (loan), printing, binding and engraving, two hundred (200) dollars; to Item 140 (i) (loan), stationery, two hundred (200) dollars; to Item 140 (j) (loan), supplies, special and miscellaneous, one hundred and seventy-five (175) dollars; to Item 140 (k) (loan), to provide monthly payments, etc., to indigent widows and abandoned mothers for partial support of their children, three thousand two hundred and ninety-two (3,292) dollars and thirty-seven (37) cents.

Approved the twenty-fifth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the Department of Public Works to issue permits for breaking streets during the months of December, 1913. January and February, 1914, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That all ordinances which forbid or prevent the Department of Public Works from issuing permits or permitting the doing of work in any streets of the City during the winter months (from the first day of December, 1913, to the first day of March, 1914, following, or any other day or date) be, and the same are hereby suspended and declared to be inoperative, at the judgment and discretion of the Mayor and the Director of the Department of Public Works, during the winter months, to the end that the Department of Public Works,

as far as possible, permit the carrying on or continuance of all classes of work in said Department which may give employment to our people.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twenty-ninth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To levy and fix the rate of taxes for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Board of Revision of Taxes is hereby authorized and required forthwith to levy on the taxable property returned by the assessors as the assessment made in the year 1913 (except such as are marked agricultural and farm lands, and rural or suburban) a tax of one (1) dollar on the hundred dollars on the assessed value thereof.

SECT. 2. The said tax to be levied for the year 1914 as one City and County tax, and is hereby voted for the following objects for the said year, viz.:

Item 1. For the relief and employment of the poor, the sum of five (5) cents.

Item 2. For lighting the City, the sum of fifteen (15) cents.

Item 3. For the payment of interest on the funded debt and for the Sinking Funds, the sum of fifteen (15) cents.

Item 4. For the care of the public highways, the sum of four (4) cents.

Item 5. For the supply of water, the sum of two (2) cents.

Item 6. For the police, the sum of six (6) cents.

Item 7. For the care of markets and City property, the sum of two (2) cents.

Item 8. For fire, the sum of two (2) cents.

Item 9. For the prisons, the sum of two (2) cents.

Item 10. For the Department of City Commissioners, the sum of ten (10) cents.

Item 11. For health, the sum of three (3) cents.

Item 12. For the remaining expenses of the municipality, the sum of thirty-four (34) cents, and said amounts are hereby declared to be appropriated for said objects, subject to further direction by ordinance, and it shall be the duty of the Receiver of Taxes to cause to be printed on the tax bills the rate voted for the objects hereinbefore mentioned.

SECT. 3. On all such portions of assessed property marked "agricultural and farm lands" only one-half of the highest rate of tax shall be levied, and on all such portions marked "rural or suburban" only two-thirds of the highest rate of tax shall be levied; and no part set apart for the relief and employment of the poor shall be levied on the assessed property situate in wards where houses for the accommodation of the poor are provided, as required by the Eighteenth Section of the Act of February 2, 1854.

SECT. 4. That upon all taxes paid during January, February and March a discount of one (1) per cent. shall be allowed, and during the month of April a discount at the rate of three-fourths ($\frac{3}{4}$) of one (1) per cent. shall be allowed, and during the month of May a discount at the rate of one-half ($\frac{1}{2}$) of one (1) per cent. shall be allowed, and during the month of June a discount at the rate of one-fourth ($\frac{1}{4}$) of one (1) per cent. shall be allowed. During July and August no discount shall be allowed and no penalty shall be imposed. If paid after the 31st day of August and on or before the 30th day of September an addition or penalty of one (1) per cent. shall be imposed; if paid on or before the 31st day of Oc-

tober there shall be an addition or penalty of two (2) per cent. imposed; if paid on or before the 30th day of November there shall be an addition or penalty of three (3) per cent. imposed; if paid on or before the 31st day of December there shall be an addition or penalty of four (4) per cent. imposed, and upon all taxes remaining unpaid on and after the first day of January there shall be an addition or penalty of five (5) per cent. and the cost of advertising added to and made payable on the same. And it shall be the duty of the Receiver of Taxes to display, from day to day, in large figures, and in a conspicuous place in the Tax Office, the amount of discount or penalty fixed by ordinance.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-ninth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, City Commissioners, City Controller, Law, District Attorney, Commissioners of Fairmount Park, City Treasurer, Public Health and Charities, City Commissioners, Clerks of Councils, Fairmount Park, Prothonotary, Board of Recreation, Sheriff and Coroner, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the City Controller be authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Supplies, Mayor, City Commissioners, City Controller, Law, District At-

torney, Commissioners of Fairmount Park, City Treasurer, Public Health and Charities, City Commissioners, Clerks of Councils, Fairmount Park, Prothonotary, Board of Recreation, Sheriff and Coroner, for the year 1913, viz.: Department of Public Safety, Bureau of Police: From Item 6 (h), repairs to market houses, one thousand six hundred and nine (1,609) dollars and ninety-two (92) cents; from Item 8, salaries, three thousand (3,000) dollars. Bureau of Correction: From Item 3, salaries, one thousand nine hundred (1,900) dollars; from Item 6 (b), building retorts, etc., one thousand (1,000) dollars. Bureau of Building Inspection: From Item 2 (a), transportation, etc., forty-five (45) dollars. Bureau of Elevator Inspection: From Item 1, salaries, one thousand three hundred (1,300) dollars. Department of Public Works, Bureau of Highways: From Item 24, wages, seven hundred and fifty (750) dollars. Bureau of City Property: From Item 30, alterations, repairs and equipment in the office of the City Controller, two hundred and twenty-six (226) dollars and sixty-three (63) cents; from Item 31, alterations, repairs, fixtures, carpets, etc., in the office of the City Solicitor, two thousand six hundred and sixty-seven (2,667) dollars and ninety-three (93) cents. Department of Supplies (Public Safety): From Item 8, drugs, surgical instruments, etc., six hundred and fifty (650) dollars. Mayor: From Item 5, rent of site of temporary Convention Hall, two thousand one hundred (2,100) dollars; from Item 6 (b), rent, Free Library of Philadelphia, three thousand one hundred and sixty-eight (3,168) dollars and twenty-five (25) cents; from Item 6 (d), electricity, one thousand eight hundred (1,800) dollars; from Item 6 (e), insurance, four hundred and forty-seven (447) dollars and seventy-seven (77) cents; from Item 6 (g), alterations and repairs, one hundred and three (103) dollars and eighty-six (86) cents; from Item 11, free scholarships, University of Pennsylvania, two hundred and forty (240) dollars. City Commissioners: From Item 36 (a), Hospital for the Insane, Norristown, one thousand (1,000) dollars. Department of Law: From Item 1, salaries, five thousand (5,000) dollars;

from Item 3, miscellaneous, one thousand (1,000) dollars. District Attorney: From Item 1 (d), to pay bills, etc., four hundred and twenty-five (425) dollars and forty (40) cents. Commissioners of Fairmount Park: From Item 5 (e), music, etc., one thousand one hundred and seventeen (1,117) dollars and thirty-six (36) cents; from Item 7 (f), oil for sprinkling roads, one thousand four hundred and eleven (1,411) dollars and forty-seven (47) cents. City Treasurer: From Item 4 (d), sinking fund new loans, six thousand seven hundred and twenty-four (6,724) dollars and fifty-two (52) cents; from Item 4 (f), interest on new loans, thirty-six thousand seven hundred and twenty-six (36,726) dollars and ninety-five (95) cents. Coroner: From Item 4, burials, etc., five hundred (500) dollars, to the following:

Department of Public Safety, Director's Office: To Item 2 $\frac{1}{2}$, to pay bill of George W. Gibbons, for printing, engraving and binding the Patrolman's Manual, six hundred and ninety-two (692) dollars and thirty-five (35) cents; to Item 4, maintenance of automobile, five hundred (500) dollars. Bureau of Police: To Item 24 (b), medical attendance, three thousand (3,000) dollars. Bureau of Fire: To Item 2 (b), miscellaneous services, five hundred and twenty-six (526) dollars and ninety-two (92) cents; to Item 6 (a), removal of ashes, one hundred and eighty-three (183) dollars. Bureau of Building Inspection: To Item 4 (a), horse keep and automobile maintenance, forty-five (45) dollars. Electrical Bureau: To Item 5 (d), to provide for ornamental iron posts on bridge at Forty-ninth and Chester avenue, five hundred (500) dollars. Department of Public Works, Bureau of Highways: To Item 5 (a), to pay the estate of Joseph Brown for the rental of a lot on Craig street, Holmesburg, in accordance with lease of January 1, 1913, twenty-five (25) dollars; to Item 25, hire of teams for hauling, two thousand seven hundred and fifty (2,750) dollars. Bureau of Surveys: To Item 30, for the payment to Costello & Co. of the cost of additional work upon the Pennypack creek sewage disposal plant, three thousand and sixty-one (3,061) dollars and eighty (80) cents. Bureau of Water:

To Item 21 (c), for permanent supports for Roxborough water mains at Eva street, fifteen thousand (15,000) dollars.

Department of Public Health and Charities (Bureau of Health): To Item 15 (c), to pay bill of J. Lewis Good & Sons, for removal of remains of Beatrice Kauffman from Mt. Carmel Cemetery to the Philadelphia Hospital for Contagious Diseases, and return for re-interment, forty-one (41) dollars; (Bureau of Charities): To Item 42, to pay bills for work, supplies and materials furnished to City Piers during the heated term of 1913, as follows: Harvey R. Pierce & Co., six (6) dollars and fifteen (15) cents; Powers, Weightman, Rosengarten Co., seventeen (17) dollars and fifty (50) cents; E. P. Off Dental Manufacturing Co., twenty (20) dollars; Freeman & Pettijohn, forty (40) dollars and fifteen (15) cents; Wilkin-son Bros. & Co., sixty-six (66) dollars and sixty (60) cents; John M. Maris & Co., sixty-four (64) dollars and thirty-three (33) cents; Joseph N. Snellenburg, two hundred and two (202) dollars and forty-eight (48) cents; Wilson & Rogers, eight (8) dollars and twenty (20) cents; Charles J. Field's Sons, one (1) dollar and thirty (30) cents; A. Smith & Son, thirty-nine (39) dollars and fifty (50) cents; American Ice Co., forty-seven (47) dollars and forty-eight (48) cents; Great Bear Spring Co., seventy (70) dollars and fifty (50) cents; Robert Shoe-maker & Co., sixty-eight (68) dollars and forty-eight (48) cents; B. Goll, forty-six (46) dollars and seventy-nine (79) cents; Philadelphia Electric Co., one hundred and sixty-one (161) dollars and ninety-nine (99) cents; Supplee's Alderney Dairies, seven hundred and twenty-five (725) dollars and fifty-eight (58) cents; Edward Fay & Son, six hundred and forty-one (641) dollars and sixty-three (63) cents; Great Atlantic and Pacific Co., fifteen (15) dollars and sixty-three (63) cents; John Wanamaker, three hundred and sixty-six (366) dollars and ninety-five (95) cents; N. Snellenburg & Co., two hundred and sixty-two (262) dollars and fifteen (15) cents. Total, two thousand eight hundred and seventy-three (2,873) dollars and thirty-nine (39) cents.

Department of Supplies (Public Safety): To Item 1, stationery, printing, etc., three thousand eight hundred (3,800) dollars; to Item 7, harness, etc., one thousand four hundred and fifty (1,450) dollars. (Public Health and Charities): To Item 16, for vaccine virus, etc., three thousand (3,000) dollars. (Wharves, Docks and Ferries): To Item 3, meats, vegetables, etc., five hundred (500) dollars.

Mayor: To Item 2 (b), advertising ordinances, two thousand three hundred and forty (2,340) dollars, out of which shall be paid bill of the Evening Bulletin, amounting to five hundred and eighty-eight (588) dollars and sixty (60) cents; to Item 6 (a), salaries, Free Library of Philadelphia, three thousand five hundred and nineteen (3,519) dollars and eighty-eight (88) cents; to Item 6 (f), general expenses, two thousand (2,000) dollars.

City Commissioners: To Item 1 (a), to pay the salary of a supervisor of inspectors of weights and measures, at the rate of two thousand five hundred (2,500) dollars per annum, from December 1, two hundred and eight (208) dollars and thirty-four (34) cents, and a stenographer or clerk, at the rate of one thousand two hundred (1,200) dollars per annum, from December 1, one hundred (100) dollars; total, three hundred and eight (308) dollars and thirty-four (34) cents; to Item 2 (b), postage, printing, traveling and hotel expenses, etc., two hundred and fifty (250) dollars; to Item 6 (d), law books, etc., Common Pleas Court No. 1, one thousand (1,000) dollars: To Item 14 (c) (new), to pay bill of H. P. Richardson, Superintendent of House of Detention, for expenses incurred in attending National Conference of Charities and Corrections in Seattle, two hundred and twenty-three (223) dollars and ninety-five (95) cents; to Item 16 (b), road jurors, seventy-five (75) dollars; to Item 22 (c), to pay outstanding printing bills incurred by the Registration Commissioners, two thousand (2,000) dollars; to Item 31 (a), to pay bill of Cunningham's Garage, for automobiles used in delivering election paraphernalia, two hundred and three (203) dollars; to Item 36 (f), to pay bills for children committed to industrial schools and for

indigent and dependent persons, as follows: Juvenile Aid Society, nine hundred and ninety-four (994) dollars and thirty-eight (38) cents; Pennsylvania Society to Protect Children from Cruelty, one thousand three hundred and eighty-nine (1,389) dollars and five (5) cents; Tabor Home for Children, forty-four (44) dollars and eighty-eight (88) cents; St. John's Orphan Asylum of Philadelphia, five hundred and two (502) dollars and ninety-three (93) cents; Catholic Home for Destitute Children, one hundred and ninety (190) dollars and seventy-four (74) cents; House of Good Shepherd, Germantown, seventy-one (71) dollars and eighty-nine (89) cents; Philadelphia Protectory for Boys, four hundred and eighty-two (482) dollars and seventy-eight (78) cents; House of Good Shepherd, sixteen (16) dollars and eighty-three (83) cents; St. Joseph's Protectory, eighty-four (84) dollars and fifteen (15) cents; total, three thousand seven hundred and seventy-seven (3,777) dollars and sixty-three (63) cents.

Clerks of Councils: To Item 2 (d), meals, etc., five hundred (500) dollars; to Item 2 (i), to pay bill of Dunlap Printing Co., for printing schedules of appropriations, two thousand three hundred and ninety-three (2,393) dollars and eighty-three (83) cents.

City Controller: To Item 3 (a), stationery and office supplies, two hundred and twenty-six (226) dollars and sixty-three (63) cents.

District Attorney: To Item 2, miscellaneous supplies, four hundred and twenty-five (425) dollars and forty (40) cents.

Department of Law: To Item 1 (c), Prothonotary's costs, etc., eight hundred (800) dollars; to Item 1 (d), expert services, five thousand (5,000) dollars; to Item 6, to pay John Reynolds for services rendered during the month of January, 1912, two hundred (200) dollars; to Item 4 (b) (new), expenses of alterations, repairs, fixtures, etc., two thousand six hundred and sixty-seven (2,667) dollars and ninety-three (93) cents; to Item 6, to pay Estate of Martha E. Cripps for damages occasioned

by the vacating of Old Tacony road, two hundred and sixty (260) dollars.

Prothonotary: To Item 3 (b), miscellaneous supplies, one hundred and twenty-five (125) dollars.

Sheriff: To Item 3 (a), stationery and books, nine hundred (900) dollars; to Item 4 (b), refurnishing offices, six hundred (600) dollars.

Coroner: To Item 1 (b), jurors' fees, five hundred (500) dollars.

Commissioners of Fairmount Park: To Item 5 (b), labor, skilled and unskilled, two thousand five hundred and twenty-eight (2,528) dollars and eighty-three (83) cents.

City Treasurer: To Item 4 (j), firemen's pension fund, four thousand one hundred and forty-one (4,141) dollars and eighteen (18) cents, to make up balance paid by the State on this account.

SECT. 2. That the City Controller be authorized to make the following transfers out of loan money, viz.:

Department of Public Safety (Bureau of City Property): From Item 61 (loan), for bath houses, five hundred and eighty-one (581) dollars and sixty-three (63) cents; from Item 122 (loan), for maintenance of recreation piers, three hundred and eighty-five (385) dollars.

Department of Public Health and Charities (Director's Office): From Item 140 (c) (loan), for care and treatment of children on City piers, etc., one thousand one hundred and ninety-eight (1,198) dollars and forty-nine (49) cents.

Departments of Supplies (Director's Office): From Item 140 (a) (loan), wages for extra clerks, one thousand two hundred (1,200) dollars," to the following:

Department of Public Health and Charities (Bureau of Charities): To Item 140 (c), to pay bills of the Bernstein Manufacturing Company, for hospital supplies for piers, one hundred and forty-one (141) dollars and thirty (30) cents; and the Philadelphia Towel Supply and Laundry Company, for laundry work for piers, one thou-

sand and fifty-seven (1,057) dollars and nineteen (19) cents; total, one thousand one hundred and ninety-eight (1,198) dollars and forty-nine (49) cents.

Department of Supplies (Director's Office): To Item 140 (b), stationery, printing, postage, transportation, meals, office supplies and incidentals, including cab and motor vehicle hire, one thousand two hundred (1,200) dollars.

Board of Recreation: To Item 61, for bath houses, five hundred and eighty-one (581) dollars and sixty-three (63) cents; to Item 122, for the maintenance of recreation piers, three hundred and eighty-five (385) dollars.

Approved the eleventh day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To locate and to change the location of electric lights in various Wards.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain.* That the Department of Public Safety (Electrical Bureau) be, and is hereby authorized and directed to locate electric lights at Warnock and Melon streets, and Twenty-fourth and Sansom streets, two lights at intersection of Broad and Diamond streets, to be paid for out of Item 5 A (outage), and to change the location of the following electric lights, viz.: From St. Albans street, between Twenty-third and Twenty-fourth streets, to Twenty-fourth and St. Albans street; from Ontario Park to Hemberger and Mifflin streets; from Ontario Park to Wilder street, between Twenty-ninth and Thirtieth streets.

Approved the eleventh day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place a certain plot of ground situated in the Thirty-sixth Ward, under the custody and control of the Board of Recreation.

WHEREAS, The City of Philadelphia by virtue of an ordinance approved September 19, 1912, has come in possession of plot of ground situated in the Thirty-sixth Ward;

AND WHEREAS, Said plot of ground was intended by said ordinance for a playground; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That all that certain lot or piece of ground situate on the north side of Shunk street (60 feet wide), at the distance of one hundred and thirty-eight (138) feet west from the west line of Twenty-eighth street (50 feet wide), containing in front or breadth on the said Shunk street one hundred and seventeen (117) feet six and five-eighths ($6\frac{5}{8}$) inches, and extending of that width northward between parallel lines at right angles with said Shunk street one hundred and seventy-seven (177) feet five (5) inches be, and the same is hereby placed under the custody and control of the Board of Recreation, subject to such rules and regulations as have been, or shall be from time to time, established by the Board of Recreation for the care, management, maintenance of public playgrounds.

SECT. 2. All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the eleventh day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Directing the Joint Special Committee of Philadelphia City Councils and the Citizens' Committee appointed by the Mayor for the improvements of the Philadelphia Navy Yard, etc., to urge the construction of the 1,700 foot dry dock at the Philadelphia Navy Yard, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, We have learned through the public press that the Secretary of the Navy has suggested that the 1,700 foot dry dock be constructed at the Norfolk Navy Yard;

AND WHEREAS, It has been recognized by naval authorities that the Philadelphia Navy Yard is admirably adapted for naval station purposes, particularly for the construction of a dry dock to accommodate the large vessels erected and to be erected, and that the fresh water basin at the Philadelphia Navy Yard is of the greatest value for berthing and care of vessels; therefore be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Joint Special Committee of Philadelphia City Councils and the Citizens' Committee appointed by the Mayor for the improvements of the Philadelphia Navy Yard, etc., be directed to use every effort here and in Washington to secure the construction of the 1,700 foot dry dock at the Philadelphia Navy Yard. Any expense incurred by the Committee shall be charged against Item 7, appropriation to the Clerks of Councils; and further

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the twelfth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the repaving of Reed street, from Fourth to Fifth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be authorized and directed to enter into a contract with a competent paver or pavers for the repaving of Reed street, from Fourth to Fifth street, with wood blocks. The cost of the said work to be taken from Item No. 111 (loau) in the appropriation to the Department of Public Works (Bureau of Highways).

Approved the sixteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the construction of sewers in American, Philip and Mole streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts for the construction of sewers, viz.: American and Philip streets, from Ritner to Porter street; Mole street, from Morris to Moore street.

SECT. 2. That the Director of the Department of Public Works shall advertise, according to law, announcing that bids will be received for the sewers above authorized, and he shall allot them to the lowest responsible bidders, and it shall be a condition of the said contracts that the contractors shall accept the sums assessed upon the lines of said sewers in manner and form authorized by existing ordinances, and any excess over and above the said assessment, in addition to that provided for by ordinance, shall

be charged to the appropriate item for branch sewers in the appropriation to the Department of Public Works (Bureau of Surveys): *Provided*, That in all cases where the property on the lines of the sewers herein authorized is assessed at suburban rates the owners of property shall first file an agreement to pay the regular frontage charges.

SECT. 3. That the Director of the Department of Public Works is authorized to pay for inspections, borings and expenses incidental to the work of constructing said branch sewers from the item for the construction of branch sewers.

Approved the sixteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

Authorizing the construction and maintenance by the Board of Public Education of conduits under Locust street, between the West Philadelphia High School building and new elementary school building to be erected southwest corner Forty-seventh and Locust streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to the Board of Public Education to lay or construct conduits under and across Locust street, at Forty-seventh street, to connect the steam and electric currents of the West Philadelphia High School building with the new elementary school building to be erected on the southwest corner of Forty-seventh and Locust streets. The said conduits to be used exclusively by said schools for the conveyance of pipes and wires for heat, light and power purposes, and shall be constructed under the supervision and to the satisfaction of the Department of Public Works and Board of Highway Supervisors, so as not to interfere with any municipal structure now in said streets.

Before issuing a permit for the work of construction of said conduits the said Board of Public Education shall enter into an agreement, satisfactory to the City Solicitor, protecting the City against all damages by reason of the laying and maintenance of the same, and to repave and keep in order so much of the street disturbed by said work, and shall remove the said pipes, wires and conduits and restore the street and pavement to its present condition at any time within one year after the passage of an ordinance to that effect without expense to the City of Philadelphia, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the sixteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To permit Frank Hansell to construct and maintain a pipe under and across South Water street, north of Tasker street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be granted to Frank Hansell to construct and maintain a pipe under and across South Water street, at a point about one hundred and fifty (150) feet north from Tasker street, connecting his factory with a building located opposite on South Water street. Said pipe to have an inside measurement of not over twenty-four (24) inches, and shall be used exclusively in the conduct of the business of said Frank Hansell. Said pipe to be laid under the supervision and to the satisfaction of the Department of Public Works. Before exercising any privilege under this ordinance, the said Frank Hansell shall first enter into an agreement, satisfactory to the City Solicitor, protecting the City from any damages by reason of the laying and maintenance of said pipe, and

agreeing to remove the same and restore the street to its present condition upon the passage of an ordinance to that effect, and shall pay into the City Treasury the sum of fifty (50) dollars for publication of this ordinance.

Approved the sixteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Cobbs Creek Parkway, to its full width, from Baltimore avenue to Hoffman avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Cobbs Creek Parkway, to its full width, from Baltimore avenue to Hoffman avenue, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the sixteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the City Controller to accept the audit of the accounts of the Philadelphia Rapid Transit Company, for the year ending June 30, 1912, prepared by Messrs. Vollum, Fernley, Vollum & Rorer, Certified Public Accountants, in lieu of the audit thereof required by the fifth section of the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company, dated July 1, 1907.

WHEREAS, By the fifth section of the contract between the City of Philadelphia and the Philadelphia Rapid Transit Company, dated the first day of July, 1907, as authorized by ordinance of said date, it is provided that the Philadelphia Rapid Transit Company shall file annually in the office of the City Controller, on or before the first day of October, a full statement of its receipts and expenditures for the preceding fiscal year ending June 30th, and that the City Controller shall examine the books, accounts and vouchers of the company for said fiscal year for the purpose of ascertaining the correctness of said accounts, and report to Councils the result of such examination;

AND WHEREAS, It has been found necessary from year to year to have the examination provided for as aforesaid by the City Controller made for him by a certified public accountant or accountants, at a yearly cost to the City of Philadelphia of approximately two thousand (2,000) dollars;

AND WHEREAS, The firm of Vollum, Fernley, Vollum & Rorer, Certified Public Accountants, being the accountants who have heretofore made the said audit for the City of Philadelphia, have already made an audit of the books, accounts and vouchers of the said company for the fiscal year ending June 30, 1912, a copy whereof has been furnished to the City Controller; now, therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That in lieu of the exam-

ination and audit of the books, accounts and vouchers of the Philadelphia Rapid Transit Company for said fiscal year ending June 30, 1912, required as aforesaid to be made by the City Controller, he, the City Controller, be, and is hereby authorized to accept the said audit of the books, accounts and vouchers made and certified by said firm of Vollum, Fernley, Vollum & Rorer, Certified Public Accountants as aforesaid, together with a certificate thereof in due form, and to report the same to Councils as directed by the fifth section of the said contract.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Designating certain rooms in City Hall for temporary use of the Municipal Court, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That Rooms 650 and 676, Conversation Hall, on the fourth floor, north side; Conversation Hall, on the second floor, north side, and two rooms on the third floor, west corridor, be, and they are hereby assigned for the temporary use of the Municipal Court until such time as permanent quarters for said Court shall be provided.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Director of the Department of Public Works to enter into a new lease with the Commissioner of Fisheries of the State of Pennsylvania, for about ten acres of ground situated on the Delaware river, below Linden avenue, for fish hatchery purposes.

WHEREAS, By the ordinance of December 2, 1903, the Commissioner of Fisheries of the State of Pennsylvania was granted the privilege of establishing a fish hatchery on the plot of ground, owned by the City of Philadelphia, situated on the Delaware river at a point below Linden avenue;

AND WHEREAS, The State of Pennsylvania has expended considerable sums of money in improving these grounds and contemplates, in the near future, the erection of buildings and ponds; therefore,

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Director of the Department of Public Works be, and he is hereby authorized to enter into a new lease with the Commissioner of Fisheries of the State of Pennsylvania for the term of twenty years, with a privilege of renewal, for the annual rental of one (1) dollar per year, for about ten acres of ground situated on the Delaware river at a point one thousand feet below Linden avenue, as described in the ordinance of December 2, 1903: *Provided, however*, That the lessee shall enter into a covenant with the City that in the event the said ground shall be required for filtration or other municipal purposes at any time within twenty years, the said lessee will vacate the same upon three months' notice in writing: *Provided further*, That the said lessee shall agree not to sublet said ground.

Approved the eighteenth day of November, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the grading of A, Albanus, Allison, Bonsall, Camac, Cottage, Crefeld, Darien, Eighth, Eleventh, Felton, Fillmore, Front, Greene, Ionic, Irving, Lippincott, Loudon, Ludlow, Martha, Moore, N, Newkirk, Ruscomb, Thirtieth, Thirty-first, Tower and Venango streets, Bellfield, Champlost, Duncannon, Eastwick, Fishers, Germantown, Greenway, Indiana, Lindley, Lincoln, Ogontz, Springfield, Willow Grove and Windrim avenues and Cobbs Creek Parkway.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to enter into contracts for grading the following streets to the established grade of the City, with the necessary drains, etc., viz.: A street, from Clearfield street to Allegheny avenue; Albanus street, from Mascher to Front street; Allison street, from Spruce to Pine street; Bonsall street, from Ionic to Sansom street; Camac street, from Wyoming avenue to Rockland street; Cottage street, from Harrison to Bridge street; Crefeld street, from Sunset avenue to Chestnut Hill avenue; Darien street, from Luzerne street to Hunting Park avenue; Eighth street, from Ontario to Tioga street; Eleventh street, from Loudon to Rockland street; Felton street, from Haverford avenue to Girard avenue; Fillmore street, from Castor road to the Boulevard; Front street, from Ashdale street to the Boulevard; Greene street, from Upsal to Carpenter street; Ionic street, from Twenty-third to Twenty-fourth street; Irving street, from Sixty-first to Sixty-second street; Lippincott street, from A to Front street; Loudon street, from A to Ella street; Ludlow street, from Fifty-fourth to Fifty-fifth street; Martha street, from Somerset to Seltzer street; Moore street, from Maiden lane to Schuylkill avenue; N street, from Sedgley avenue to Kensington avenue; Newkirk street, from Wharton to Dickinson street; Ruscomb street, from Mascher to Front street; Thirtieth street, from Dickinson to Tasker street; Thirty-first street,

from Reed to Tasker street and from Bristol to Wingo-hocking street; Tower street, from Pennsdale to Levering street; Venango street, from Front to Kip street; Bell-field avenue, from Stenton avenue to the Philadelphia and Reading Railroad; Champlost avenue, from York road to Sixteenth street; Duncannon avenue, from Mascher to Second street, and from Fairhill to Sixth street; Eastwick avenue, from Fifty-eighth to Sixty-third street; Fishers avenue, from Mascher to Second street, from Ninth to Eleventh street, and from Broad to Fifteenth street; east side of Germantown avenue, from Rounfort avenue to Cresheim avenue; Greenway avenue, from Sixty-third to Sixty-fourth street; Indiana avenue, from Twenty-fourth to Twenty-fifth street; Lindley avenue, from Fourth to Fifth street; Lincoln avenue, from Willow Grove avenue to Hartwell lane; Ogontz avenue, from Spencer street to Olney avenue; Springfield avenue, from Fifty-fourth to Fifty-seventh street; Willow Grove avenue, from Germantown avenue to Seminole street; Windrim avenue, from Broad to Fifteenth street; Cobbs Creek Parkway, from Fifty-eighth to Fifty-ninth street, and from Woodland avenue to Sixty-fourth street. The cost of said work to be taken from the Item for grading in the appropriation to the Department of Public Works (Bureau of Highways).

In all cases where the material required to excavate or fill any legally opened street within six blocks of the streets herein authorized to be graded can be interchangeably used, the Director of the Department of Public Works shall advertise for and award the contract so that the same shall be embodied in one and the same contract: *Provided*, That the grading shall be advertised for and the contracts awarded to the lowest responsible bidders.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Thirty-second street, from
Reed to Tasker street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Thirty-second street, from Reed to Tasker street, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the opening of Forty-fourth street, from
Market street to Haverford avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized and directed to notify the owners of property over and through which Forty-fourth street, from Market street to Haverford avenue, will pass, that at the expiration of three months from the date of said notice said street will be required for public use.

SECT. 2. The Mayor of the City is hereby authorized and directed to enter security, on behalf of the City of

Philadelphia, for the payment of any damages which may be assessed by reason of the opening of said street; upon the filing of said bond, and at the expiration of the said three months, the Director of the Department of Public Works shall forthwith proceed to open said street.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To place on the City plan Albanus, Arthur, Galloway, Lawrence, Lee, Naudain, Rock, Ruscomb and Twenty-sixth streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized and directed to place on the City plan Albanus street, of the width of forty feet, from Mascher to Front street; Arthur street, of the width of forty feet, from E to F street; Galloway street, of the width of forty feet, from Mifflin to McKean street; Lawrence street, of the width of fifty feet, from Rockland to Ruscomb street; Lee street, of the width of forty feet, from Snyder avenue to Jackson street; Naudain street, of the width of fifteen feet, from Front to Second street; Rock street, of the width of fifty feet, from Righter to Vicaris street; Ruscomb street, of the width of forty feet, from Mascher to Front street; Twenty-sixth street, of the width of fifty feet, from Thompson to Master street: *Provided*, That before said Albanus, Arthur, Galloway, Lee and Ruscomb streets shall be placed on the plan the owners of property within the lines thereof shall, within one year from the approval of this ordinance, dedicate the beds of the same to the City on the lines and grades as confirmed by the Board of Surveyors, or shall indemnify the City against all

damages or claims for damages which may arise from placing said streets on the plan and their subsequent opening to the confirmed lines and grades; and before said Lawrence and Naudain streets shall be placed on the plan satisfactory evidence shall be furnished, within one year from the approval of this ordinance, that said streets have been opened and used for a period of at least twenty-one years; and before said Rock street shall be placed on the plan, the abutting property owners on the north side, from Righter street eastwardly about six hundred and one feet, and on the south side from Righter street eastwardly about six hundred and thirty feet, shall, within one year from the approval of this ordinance, join in a release or file a bond indemnifying the City from all damages which may arise from placing said street on the plan.

Approved the eighteenth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Directing the Directors of the Departments of Public Works and Public Safety and the Board of Mercantile Appraisers to vacate certain rooms in City Hall, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Director of the Department of Public Works be, and is hereby directed and ordered to vacate, by December 30, 1913, Room 194, in City Hall, now occupied by the paymaster; and the Director of the Department of Public Safety be, and is hereby directed and ordered to vacate, by December 30, 1913, Rooms 190 and 192, in City Hall, now occupied as headquarters of Bureau of Fire; and the Board of Mercantile Appraisers

be, and are hereby directed and ordered to vacate, by December 30, 1913, Rooms 167 and 171, in City Hall.

Resolved, That Rooms 190, 192 and 194, in City Hall, be, and they are hereby assigned to the Board of Mercantile Appraisers; and Rooms 167 and 171, in City Hall, be, and they are hereby assigned to the Recorder of Deeds.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

OFFICE OF CLERKS OF COUNCILS.

Philadelphia, December 19, 1913.

This is to certify that the resolution entitled "Resolution directing the Directors of the Departments of Public Works and Public Safety and the Board of Mercantile Appraisers to vacate certain rooms in City Hall, and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval," was returned by the Mayor to Common Council on the eighteenth day of December, 1913, without his approval, and said resolution having been reconsidered, was passed on the same day by a vote of yeas, 59; nays, 12.

And said resolution, together with the objections of the Mayor, having been sent to Select Council, was reconsidered and passed by that Body on the same day by a vote of yeas, 35; nays, 7.

The said resolution having been passed by both Select and Common Councils by a vote of three-fifths of the members elected, agreeably to the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it has become as effective as if the Mayor had signed it.

WM. H. FELTON,

Chief Clerk of Common Council.

W. J. MILLIGAN,

Chief Clerk of Select Council.

AN ORDINANCE

To grant permission to Charles F. Schibener to construct and maintain a tunnel under and across Fifty-ninth street, south of Callowhill street, to connect his property on the east side of Fifty-ninth street with his property opposite on the west side of Fifty-ninth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to Charles F. Schibener to construct and maintain a tunnel, not exceeding four feet three inches in height and width, under and across Fifty-ninth street, south of Callowhill street, to connect the property on the east side of Fifty-ninth street with the property on the west side of Fifty-ninth street, for the purposes of carrying steam pipes and electric wires between the two properties.

The work of constructing said tunnel shall be done without interfering with any municipal or other structures in said street, and under and subject to the inspection of the Departments of Public Works and Public Safety, and in accordance with plans and drawings to be approved by the said Departments and the Board of Highway Supervisors: *Provided*, That the said tunnel shall be used exclusively by the owners and occupants of said properties in the conduct of the business at said location, and that before exercising any privileges under this ordinance the said Charles F. Schibener shall first file an agreement and bond in the sum of one thousand (1,000) dollars, satisfactory to the City Solicitor, indemnifying the City against all damages by reason of the construction and maintenance of the said tunnel, and agreeing to place and maintain the pavement torn up by reason of the said work in a manner satisfactory to the Department of Public Works, and shall remove the said tunnel pipes and wires and restore the street and pavement to its present condition at any time within one year after the passage of an ordinance to that effect, without expense to the City of Philadelphia, and shall pay into the City Treasury the sum of fifty (50) dollars for the publication of this ordinance.

Approved the twentieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Commissioners of the Sinking Fund, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of twenty-six thousand nine hundred (26,900) dollars be, and the same is hereby appropriated to the Commissioners of the Sinking Fund, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Secretary, one thousand eight hundred dollars \$1,800

Item 2. *Supplies:*

Stationery and incidentals, one hundred dollars 100

FIXED CHARGES.

Item 3. Fire insurance fund, twenty-five thousand dollars 25,000

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of this City at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Commissioners of the Sinking Fund in accordance with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of City Controller, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-five thousand six hundred and fifty (85,650) dollars be, and the same is hereby appropriated to the Department of City Controller, for the year 1914, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Controller, eight thousand dollars.....	\$8,000
Deputy Controller, three thousand five hundred dollars	3,500
Stenographer and typewriter, one thousand dollars	1,000
Custodian of records, one thousand dollars....	1,000
Messenger and clerk, one thousand three hundred and fifty dollars	1,350
Janitor, six hundred dollars	600
Record filing clerk, one thousand dollars.....	1,000

(b) Wages temporary clerk, indexing records.. 1,000

Total, seventeen thousand four hundred and fifty dollars..... \$17,450

Item 2. *Services other than personal:*

(a) Meals for overtime work, five hundred dollars	\$500
(b) Special and miscellaneous and communication service, five hundred dollars.....	500

Total, one thousand dollars..... \$1,000

Item 3. *Supplies:*

(a) Stationery and office supplies, one thousand dollars	\$1,000
(b) Printing and binding City warrants for the several Departments, one thousand six hundred dollars	1,600

Total, two thousand six hundred dollars.. \$2,600

Provided. That the City Controller shall not be required to advertise for the printing and binding of warrants.

ACCOUNTING AND REPORTING.

ADMINISTRATION.

Item 4. *Personal services:*

(a) Salaries:

Chief accountant, three thousand five hundred dollars	\$3,500
Bookkeeper, two thousand dollars.....	2,000
Examiners of accounts, 2 at \$2,000 each, four thousand dollars	4,000
Registrar of appropriations, one thousand eight hundred dollars	1,800
Registrar of contracts, one thousand eight hundred dollars	1,800
Register of bills, 3 at \$1,350 each, four thousand and fifty dollars.....	4,050
Return clerk, one thousand three hundred and fifty dollars	1,350
Register of warrants, one thousand two hundred dollars	1,200
Property clerk, one thousand two hundred dollars	1,200
Expenditure analysis clerk, one thousand two hundred dollars	1,200
Miscellaneous clerk, nine hundred dollars.....	900

- (b) Compensation for special services—preparation of monthly statement for the Finance Committee, one thousand five hundred dollars. 1,500

Total, twenty-four thousand five hundred dollars \$24,500

Item 5. *Services other than personal:*

Printing the annual report of the City Controller and preparing the annual statement for the Finance Committee, eight hundred dollars \$800

AUDITING RECEIPTS.

ADMINISTRATION.

Item 6. *Personal services:*

(a) Salaries:

Chief auditor, three thousand five hundred dollars \$3,500
 General auditor, two thousand dollars 2,000
 Tax auditors, 8 at \$1,500 each, twelve thousand dollars 12,000
 Water auditors, 5 at \$1,350 each, six thousand seven hundred and fifty dollars 6,750
 Gas auditor, one thousand dollars 1,000
 Miscellaneous clerk, one thousand three hundred and fifty dollars 1,350

(b) Salaries and wages for extra help and compensation for special services—for preparing registers of delinquent taxes, five hundred dollars 500

Total, twenty-seven thousand one hundred dollars \$27,100

Item 7. *Services other than personal:*

Binding records, one hundred dollars \$100

AUDITING EXPENDITURES.

ADMINISTRATION.

Item 8. *Personal services:*

Salaries:

Chief department auditor, two thousand dollars	\$2,000
Department auditors, 5 at \$1,500 each, seven thousand five hundred dollars.....	7,500
Warrant delivery clerk, one thousand four hundred dollars	1,400
Assistant warrant delivery clerk and miscellaneous clerk, one thousand two hundred dollars	1,200

Total, twelve thousand one hundred dollars \$12,100

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Recorder of Deeds, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two

hundred and fifty-nine thousand five hundred and sixty (259,560) dollars be, and the same is hereby appropriated to the Recorder of Deeds, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Recorder of Deeds, ten thousand dollars.....	\$10,000
Deputy Recorder of Deeds, four thousand dollars.....	4,000
Chief clerk, two thousand dollars.....	2,000
Bookkeeper, one thousand seven hundred and fifty dollars	1,750
Assistant bookkeeper, one thousand two hundred dollars	1,200
Chief search clerk, two thousand dollars.....	2,000
Mortgage search clerks, 3 at \$1,500 each, four thousand five hundred dollars.....	4,500
Conveyance search clerks, 2 at \$1,500 each, three thousand dollars	3,000
Chief deed index clerk, one thousand eight hundred dollars	1,800
Chief mortgage index clerk, one thousand eight hundred dollars	1,800
Assistant index clerks, 2 at \$1,500 each, three thousand dollars	3,000
Miscellaneous clerk, one thousand three hundred dollars	1,300
Miscellaneous clerks, 3 at \$1,500 each, four thousand five hundred dollars	4,500
Miscellaneous clerks, 5 at \$1,200 each, six thousand dollars	6,000
Superintendent transcribing room, one thousand six hundred dollars	1,600
Chief compare clerk, one thousand eight hundred dollars	1,800

Compare clerks, 4 at \$1,350 each, five thousand four hundred dollars	5,400
Assistant compare clerks, 2 at \$1,350 each, two thousand seven hundred dollars	2,700
Custodian of records, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Special custodian of records, 3 at \$1,100 each, three thousand three hundred dollars	3,300
Assistant custodian of records, 3 at \$1,000 each, three thousand dollars	3,000
Assistant custodian of records, 3 at \$900 each, two thousand seven hundred dollars	2,700
Stenographer and typewriter, one thousand two hundred dollars	1,200
Messenger, eight hundred dollars	800
Transcribers, 68 at \$1,200 each, eighty-one thousand six hundred dollars	81,600
Watchmen, 2 at \$800 each, one thousand six hundred dollars	1,600

Provided, That the amount appropriated in division (a) shall be taken from fees earned by the Recorder of Deeds.

(b) Salaries:

Chief clerk copyist, one thousand four hundred dollars	1,400
Assistant superintendent transcribing room, one thousand four hundred dollars	1,400
Recorder's transfer clerk, one thousand two hundred dollars	1,200
Temporary clerks, 25 at \$1,200 each, thirty thousand dollars	30,000
Additional temporary clerks, 26 at \$1,200 each, thirty-one thousand two hundred dollars....	31,200
Special clerks, 6 at \$1,200 each, seven thousand two hundred dollars	7,200
Assistant clerks, 19 at \$1,200 each, twenty-two thousand eight hundred dollars.....	22,800

Janitor, seven hundred and twenty dollars....	720
Assistant janitors, 2 at \$720 each, one thousand four hundred and forty dollars.....	1,440
(c) Extra clerk hire, one thousand dollars.....	1,000

Total, two hundred and fifty-three thousand three hundred and ten dollars....\$253,310

Item 2. *Supplies:*

(a) Blank books, stationery, etc., two thousand five hundred dollars	\$2,500
(b) Miscellaneous, one thousand dollars	1,000
(c) Printing and binding, two thousand dollars..	2,000

Total, five thousand five hundred dollars.. \$5,500

Item 3. *Maintenance:*

Repairs to office furniture, painting, etc..... \$750

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Recorder of Deeds in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Register of Wills, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-nine thousand six hundred and twenty-five (\$9,625) dollars be, and the same is hereby appropriated to the Register of Wills, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Register of Wills and Clerk of Orphans' Court, ten thousand dollars	\$10,000
Deputy register, two thousand five hundred dollars	2,500
Chief clerk, one thousand seven hundred dol- lars	1,700
Assistant chief clerk, one thousand six hundred dollars	1,600
Bookkeeper and cashier, one thousand five hun- dred dollars	1,500
Chief compare clerk, two thousand dollars....	2,000
Transcribing clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Miscellaneous clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief account clerk, one thousand five hun- dred dollars	1,500
Account clerks, 4 at \$1,200 each, four thousand eight hundred dollars	4,800
Recording clerks, 4 at \$1,200 each, four thou- sand eight hundred dollars	4,800
Inventory clerk, one thousand two hundred dol- lars	1,200

Index clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Compare clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Temporary clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Search clerk, one thousand two hundred dollars	1,200
Stenographer and typewriter, one thousand two hundred dollars	1,200
Custodian of records, 2 at \$1,000 each, two thousand dollars	2,000
Messenger, one thousand dollars	1,000
Janitor, six hundred dollars	600
First assistant clerk of Orphans' Court, three thousand five hundred dollars	3,500
Second assistant clerk of Orphans' Court, two thousand five hundred dollars	2,500
Third assistant clerk of Orphans' Court, one thousand eight hundred dollars	1,800
Assistant clerks of Orphans' Court, 12 at \$1,500 each, eighteen thousand dollars	18,000
Assistant clerk of Orphans' Court, one thousand two hundred dollars	1,200
Assistant clerk of Orphans' Court, one thousand dollars	1,000
Messenger and custodian of records, one thousand dollars	1,000
(b) Stenographic services, two thousand dollars.	2,000

Total, eighty-four thousand two hundred dollars \$84,200

Provided. That the amount appropriated to Item 1 (a) shall be taken from the fees earned by the Register of Wills.

Item 2. *Services other than personal:*

(a) Communication service, two hundred and twenty-five dollars	\$225
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(b) Advertising, fifty dollars	50
(c) Miscellaneous services, six hundred dollars..	600

Total, eight hundred and seventy-five dollars \$875

Item 3. *Supplies:*

(a) Blank books, one thousand four hundred dollars	\$1,400
(b) Blank forms and stationery, eight hundred and twenty-five dollars	825
(c) Cleaning and supplies, one hundred dollars..	100
(d) Towels, twenty-five dollars	25
(e) Miscellaneous, one hundred dollars	100

Total, two thousand four hundred and fifty dollars \$2,450

Item 4. *Equipment:*

(a) Law books, six hundred dollars	\$600
(b) Equipment, seven hundred dollars	700
(c) Special index books, three hundred and fifty dollars	350

Total, one thousand six hundred and fifty dollars \$1,650

Item 5. *Miscellaneous*, four hundred and fifty dollars \$450

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Register of Wills in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Coroner, for the year
1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of sixty-four thousand six hundred and twenty-five (64,625) dollars be, and the same is hereby appropriated to the Coroner, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Coroner, eight thousand dollars	\$8,000
Deputy Coroner, two thousand five hundred dollars	2,500.
Chief clerk, one thousand five hundred dollars	1,500
Assistant clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Physicians, 3 at \$2,500 each, seven thousand five hundred dollars	7,500
District deputies, 11 at \$1,200 each, thirteen thousand two hundred dollars	13,200
Stenographer and typewriter, nine hundred dollars	900
Detectives, 2 at \$1,500 each, three thousand dollars	3,000
Janitor, seven hundred and twenty dollars....	720
Superintendent of the Morgue, one thousand dollars	1,000
Assistant superintendent, with use of house, seven hundred and twenty dollars	720
Engineer, one thousand dollars	1,000
Helper, six hundred dollars	600
Janitor or cleaner service, six hundred dollars	600

Superintendent, City Burial Grounds, six hundred dollars	600
Assistant superintendent, City Burial Grounds, five hundred dollars	500
(b) Jurors' fees, three thousand eight hundred dollars	3,800
(c) Witness fees, eight hundred dollars	800
(d) Embalming bodies, one thousand dollars...	1,000
(e) Chemical analysis of bodies, one thousand five hundred dollars	1,500
Total, fifty-three thousand and forty dollars	\$53,040

Item 2. *Services other than personal:*

(a) Transportation of persons, one thousand five hundred dollars	\$1,500
(b) Subsistence and care of two horses and wagons, eight hundred dollars	800
(c) Keep of horses or automobiles for physicians, 3 at \$500 each, one thousand five hundred dollars	1,500
(d) Keep or hire of automobiles for Coroner and deputy Coroner, one thousand five hundred dollars	1,500
(e) Towel service, one hundred dollars.....	100
(f) Communication service, three hundred and fifty dollars	350
(g) Printing, four hundred and twenty-five dollars	425
(h) Advertising and publication of notices, fifty dollars	50

Total, six thousand two hundred and twenty-five dollars \$6,225

Item 3. *Supplies:*

(a) Stationery and office supplies, nine hundred and sixty dollars	\$960
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(b) Coal for the Morgue, two hundred and twenty dollars	220
(c) Mechanics' and engineers' supplies, fifty dollars	50
(d) Cleaning and toilet disinfectants and chemicals, three hundred dollars	300
(e) Special and miscellaneous, six hundred and thirty dollars	630
(f) Post-mortem materials, etc., two thousand dollars	2,000

Total, four thousand one hundred and sixty dollars \$4,160

Provided, That the City Controller may countersign warrants for post-mortem materials, without advertising, upon the approval of bills by the Coroner.

Item 4. *Equipment*:

Burial expenses for Potter's field burials, one thousand two hundred dollars \$1,200

Provided, That the amounts appropriated in Item 1, for Coroner, deputy Coroner and clerk, shall be taken from fees earned by the Coroner.

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Coroner in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Board of Revision of Taxes, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and ninety-one thousand one hundred and thirty (291,130) dollars be, and the same is hereby appropriated to the Board of Revision of Taxes, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Members of Board of Revision, 3 at \$6,000 each, eighteen thousand dollars	\$18,000
Assessors, 70 at \$3,000 each, two hundred and ten thousand dollars	210,000
Chief clerk, two thousand five hundred dollars	2,500
Assistant chief clerk, two thousand dollars....	2,000
Registration clerk, two thousand dollars.....	2,000
Division and locality clerk, one thousand seven hundred dollars	1,700
Certificate clerk, one thousand five hundred dollars	1,500
Allowance clerk, one thousand eight hundred dollars	1,800
Special clerk, one thousand four hundred dollars	1,400
Miscellaneous clerks, 22 at \$1,200 each, twenty-six thousand four hundred dollars...	26,400
Stenographer and typewriter, nine hundred dollars	900
Janitors, 2 at \$720 each, one thousand four hundred and forty dollars	1,440
Doorkeeper, eight hundred and forty dollars...	840

General clerk, one thousand five hundred dollars	1,500
(b) Extra clerks, at \$75 per month each, eight thousand dollars	8,000
(c) Fees for furnishing abstract of recorded deeds, one thousand two hundred dollars. . . .	1,200
Total, two hundred and eighty-one thousand one hundred and eighty dollars. . .	\$281,180

Item 2. *Services other than personal:*

(a) Carriage hire for assessors, five hundred dollars	\$500
(b) Automobile and carriage hire for members of Board, one thousand dollars	1,000
(c) Postage, telephone, etc., nine hundred dollars	900
(d) Printing, engraving, lithographing and binding, five thousand dollars	5,000
(e) Advertising and publication of notices, five hundred dollars	500

Total, seven thousand nine hundred dollars \$7,900

Item 3. *Supplies:*

(a) Stationery, eight hundred dollars	\$800
(b) Cleaning and toilet supplies, three hundred dollars	300
(c) Incidentals, three hundred dollars	300

Total, one thousand four hundred dollars \$1,400

CAPITAL OUTLAY.

Item 4:

(a) Addition to maps, atlases, etc, four hundred and fifty dollars	\$450
(b) Furniture and furnishings, two hundred dollars	200

Total, six hundred and fifty dollars. \$650

Provided, That when binding shall be required, payment for which is taken from Item 2 (d), the said Board be authorized to invite proposals from not less than five responsible parties, known to be engaged in the business, and to award the contract to the lowest bidder, with the approval of the Committee on Finance, and that the schedule of the bids received, and the award of the contract made, with a copy of the request of such bids, certified by the Committee on Finance, shall be sent to the City Controller before he shall sign any warrants for binding. *Provided also*, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Board of Revision of Taxes in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Civil Service Commission, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*. That the sum of fifty-seven thousand three hundred and fifty (57,350) dollars is hereby appropriated to the Civil Service Commission, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

EXECUTIVE DIVISION.

(a) Salaries:

President, five thousand dollars	\$5,000
Commissioners, 2 at \$3,000 each, six thousand dollars	6,000
Clerk or stenographer, one thousand dollars..	1,000
Clerk or stenographer, nine hundred dollars..	900
Messenger and janitor, seven hundred and twenty dollars	720
Cleaners, 2 at \$360 each, seven hundred and twenty dollars	720

CLERICAL DIVISION.

Chief clerk, two thousand four hundred dollars	2,400
Clerks or stenographers, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Clerks or stenographers, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Clerks or stenographers, 7 at \$1,000 each, seven thousand dollars	7,000
Clerk or stenographer, nine hundred dollars..	900
Clerk or stenographer, seven hundred and twenty dollars	720

EXAMINING DIVISION.

Chief examiner, two thousand four hundred dollars	2,400
Assistant examiners, 4 at \$1,800 each, seven thousand two hundred dollars	7,200
Examiner in charge of labor, one thousand eight hundred dollars	1,800
Medical examiner, one thousand six hundred dollars	1,600
Assistant medical examiner, nine hundred dollars	900

Investigator, one thousand two hundred dollars	1,200
Clerks or stenographers, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Keeper of records, one thousand one hundred dollars	1,100
Clerk or stenographer, one thousand dollars...	1,000
Clerks or stenographers, 2 at \$900 each, one thousand eight hundred dollars	1,800
Clerks or stenographers, 2 at \$720 each, one thousand four hundred and forty dollars..	1,440
(b) Extra examiners, seven hundred and fifty dollars	750
(c) Monitors, four hundred and fifty dollars...	450
(d) Special examiners, two hundred and twenty-five dollars	225
(e) Expert services, seventy-five dollars.... ..	75

Total, fifty-four thousand three hundred dollars..... \$54,300

Item 2. *Services other than personal:*

(a) Transportation of persons, one hundred dollars	\$100
(b) Subsistence of persons, one hundred dollars	100
(c) Communication service, nine hundred dollars	900
(d) Advertising, three hundred and fifty dollars	350

Total, one thousand four hundred and fifty dollars

Item 3. *Supplies:*

(a) Cleaning and toilet, fifty dollars	\$50
(b) Uniforms, fifty dollars	50
(c) Miscellaneous, fifty dollars	50

Total, one hundred and fifty dollars..... \$150

MAINTENANCE.

Item 4. Repairs and alterations, one hundred dollars	\$100
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CAPITAL OUTLAY.

Item 5. *Equipment:*

(a) Apparatus, two hundred dollars	\$200
(b) Furniture, three hundred and fifty dollars.	350
(c) Library, four hundred and fifty dollars	450
(d) Office fittings, three hundred and fifty dollars	350

Total, one thousand three hundred and fifty dollars \$1,350

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And that no person shall be employed in this Department while holding any other office of profit under the Government of the United States, the Commonwealth of Pennsylvania or the City of Philadelphia.

And warrants shall be drawn by the President of the Civil Service Commission in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Clerks of Councils, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and three thousand nine hundred and forty-two (103,942) dollars be, and the same is hereby appropriated to the Clerks of Councils, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

Select Council:

(a) Salaries:

Chief clerk, four thousand dollars.....	\$4,000
Assistant clerk and index clerk, two thousand seven hundred and fifty dollars.....	2,750
Sergeant-at-Arms, three thousand dollars.....	3,000
Stenographer and typewriter, one thousand five hundred dollars	1,500
Assistant stenographer and typewriter, one thousand two hundred dollars.....	1,200
Clerk to Committees on Law, City Property and Steam Railroads, one thousand four hundred dollars	1,400
Doorkeeper, three hundred dollars.....	300
Messenger, one thousand two hundred dollars.	1,200
Janitor, nine hundred dollars.....	900
Office boy, four hundred and eighty dollars....	480
Cleaners, 2 at \$540 each, one thousand and eighty dollars	1,080
Page, one hundred dollars	100
(b) For compiling the Manual and Diary for the members of Councils, four hundred dollars...	400

Common Council:

(c) Salaries:

Chief clerk, four thousand dollars	\$4,000
Assistant clerk and Journal clerk, two thousand seven hundred and fifty dollars.....	2,750
Committee clerk, three thousand dollars.....	3,000
Assistant Journal and index clerk, two thousand five hundred dollars.....	2,500
Secretary, Finance Committee, three thousand dollars	3,000
Sergeant-at-Arms, three thousand dollars.....	3,000
Stenographer and typewriter, one thousand five hundred dollars	1,500
Stenographer and typewriter, Finance Committee, one thousand two hundred dollars..	1,200
Typewriter and assistant to Committee Clerk, one thousand two hundred dollars.....	1,200
Assistant stenographer and typewriter, nine hundred dollars	900
Transcribing clerk, one thousand two hundred dollars	1,200
Doorkeeper, three hundred dollars	300
Messenger, one thousand two hundred dollars.	1,200
Janitor, nine hundred dollars	900
Assistant janitor, seven hundred and twenty dollars	720
Office boys, 2 at \$480 each, nine hundred and sixty dollars	960
Cleaners, 2 at \$540 each, one thousand and eighty dollars	1,080
Pages, 2 at \$100 each, two hundred dollars..	200

(d) For preparing schedules of appropriations and other matters for the use of the Committee on Finance, four hundred dollars

400

(c) For clerical assistance to the Committee on Finance, and preparing list of bills introduced in Councils, four hundred dollars	400
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Total, forty-eight thousand seven hundred and twenty dollars\$48,720

Item 2. Services other than personal:

(a) Printing Journals and other documents for Councils, eighteen thousand dollars.....	\$18,000
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Provided, That the bid for the printing of the Journal and Appendix of Common Council, and the approved Ordinances and other printed matter required by Common Council shall be advertised for and the contract awarded separately from that for the Journal and Appendix and other printing required by Select Council, and that no bid shall be entertained, nor shall any contract be awarded for the Select Council printing to parties who have obtained the contract for that of Common Council: *Provided further*, That work for printing shall only be awarded to contractors who pay the recognized rate of wages adopted by the Typographical Union.

(b) Binding Journals and other documents for Councils, two thousand dollars	2,000
(c) Carriage and automobile hire, three thousand dollars	3,000

Provided, That instead of advertising, the Chief Clerks shall invite written proposals from not less than three responsible parties, having at least ten first-class carriages or five automobiles of their own, and shall award the contract to the lowest bidder, in accordance with existing ordinances, subject to the approval of the Committee on Finance: *Provided further*, That the City Controller shall countersign no warrants drawn on this item until furnished with the bill, approved by the Chairman and two members of

the Committee for whose use the vehicles were provided.

- (d) Meals at night and all-day sessions, etc., two thousand five hundred dollars 2,500

Provided, That no warrants shall be drawn on this item unless the bills are first approved by the Committee on Finance.

- (e) Communication service, one thousand two hundred dollars 1,200
- (f) Engrossing resolutions, deceased and retiring members, one thousand two hundred dollars 1,200
- (g) For printing and binding a Manual of Councils for the use of members, two thousand dollars 2,000
- (h) For advertising and publishing loans and notices, three thousand five hundred dollars... 3,500

Total, thirty-three thousand four hundred dollars \$33,400

Item 3. *Supplies*:

- (a) Stationery and educational supplies, six thousand dollars \$6,000
- (b) Cleaning rooms and toilet supplies, one thousand two hundred dollars 1,200
- (c) Special and miscellaneous supplies, one thousand two hundred dollars 1,200
- (d) For paper for Ordinances and Journals, one thousand dollars 1,000

Total, nine thousand four hundred dollars. \$9,400

MAINTENANCE.

- Item 4. Repairs to furniture, furnishings, and equipment, one thousand dollars \$1,000

CONTRIBUTIONS.

- Item 5 (a) Celebrating Fourth of July, Independence Day (to be expended under the super-

vision of the Committee on Fourth of July), one thousand dollars	\$1,000
(b) For the proper observance of Memorial Day (to be expended under the supervision of the Soldiers' Monument Committee), seven thou- sand four hundred and twenty-two dollars....	7,422
Total, eight thousand four hundred and twenty-two dollars	\$8,422

Item 6. *Miscellaneous expenditures:*

Account of Select and Common Councils, three thousand dollars	\$3,000
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Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of this City at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided further*, That the Presidents of Select and Common Councils are hereby authorized to appoint the stenographers and typewriters, doorkeepers and pages: *Provided further*, That the Chief Clerks of Councils shall advertise not more than three times in three daily newspapers of the City for printing the Journals and other documents, binding and stationery, required for the use of Councils, and award the contract for the same to the lowest responsible bidder, subject to the approval of the Committee on Printing and Supplies: *Provided further*, That not more than one thousand (1,000) Journals and Appendixes of each branch of Councils for each half year shall be printed, and not more than four hundred (400) copies of each half year shall be bound, and not more than nineteen hundred (1,900) books of ordinances for each year shall be printed, and not more than twelve hundred (1,200) copies shall be bound: *Provided further*, That the Chief Clerks of Councils shall be allowed, when it is in their judgment to the best interests of the City, to purchase or contract, without advertising, bills not exceeding the sum of five hundred (500) dollars: *Provided*

further, That balances remaining to the credit of Item 7 in the annual appropriation for 1913 shall not merge December 31, 1913.

And warrants shall be drawn by the Clerks of Councils in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Prothonotary of the Courts of Common Pleas, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-nine thousand seven hundred and sixty-five (89,765) dollars be, and the same is hereby appropriated to the Prothonotary of the Courts of Common Pleas, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Prothonotary, ten thousand dollars.....	\$10,000
Deputy Prothonotary, four thousand dollars..	4,000
Second Deputy Prothonotary, two thousand one hundred dollars	2,100
Bond, fee clerk and bookkeeper, one thousand seven hundred dollars	1,700
Assistant bookkeeper, one thousand two hundred dollars	1,200
Cashier, one thousand five hundred dollars....	1,500

Court clerks, 5 at \$3,000 each, fifteen thousand dollars	15,000
Clerk to Deputy Prothonotary, one thousand five hundred dollars	1,500
Appearance and State tax clerk, one thousand five hundred dollars	1,500
Miscellaneous clerk, one thousand five hundred dollars	1,500
Assistant clerk to Deputy Prothonotary and State tax clerk, one thousand three hundred dollars	1,300
Assistant clerk to Deputy Prothonotary, one thousand two hundred dollars	1,200
Appearance clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Writ clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Judgment clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Exemplification clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Lien clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Judgment search clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Locality search clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Chief clerk, one thousand two hundred dollars	1,200
Miscellaneous clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief custodian of records, one thousand two hundred dollars	1,200
Stenographer and clerk to Prothonotary, one thousand one hundred dollars	1,100
Assistant clerk to Deputy Prothonotary, one thousand dollars	1,000
Appearance clerk, one thousand dollars	1,000

Exemplification clerk, one thousand dollars...	1,000
Miscellaneous clerks, 2 at \$1,000 each, two thousand dollars	2,000
Mechanics' lien clerk, one thousand dollars...	1,000
Assistant custodian of records, one thousand dollars	1,000
Mechanics' lien satisfaction clerk, nine hundred dollars	900
Assistant custodian of records, nine hundred dollars	900
Recording and certificate clerk, nine hundred dollars	900
Assistant custodian of records, 2 at \$800 each, one thousand six hundred dollars	1,600
Messenger, eight hundred dollars	800
Custodian of books, five hundred dollars.....	500
Janitor, seven hundred and twenty dollars....	720
(b) Special and miscellaneous, six hundred dollars	600
Total, eighty-two thousand seven hundred and twenty dollars.....	\$82,720

Item 2. *Services other than personal:*

(a) Communication service, fifty dollars.....	\$50
(b) Advertising bids, seventy-five dollars.....	75
(c) Miscellaneous, one hundred and twenty dollars	120
Total, two hundred and forty-five dollars	\$245

Item 3. *Supplies:*

(a) Stationery, two thousand dollars	\$2,000
(b) Miscellaneous, six hundred dollars	600
Total, two thousand six hundred dollars..	\$2,600

MAINTENANCE.

Item 4. *Services other than personal:*

(a) Printing, engraving, and rebinding books, two thousand nine hundred dollars.....	\$2,900
(b) Rebinding old docket, one thousand dollars	1,000

Total, three thousand nine hundred dollars \$3,900

EQUIPMENT.

Item 5. Furniture and furnishings, three hundred dollars	\$300
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Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of this City at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided also*, That the amount appropriated for salaries shall be taken from fees earned by the Prothonotary.

And warrants shall be drawn by the Prothonotary of the Courts of Common Pleas in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Clerk of the Courts of Oyer and Terminer and Quarter Sessions, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seventy-

one thousand three hundred (71,300) dollars be, and the same is hereby appropriated to the Clerk of the Courts of Oyer and Terminer and Quarter Sessions, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Clerk of Court, eight thousand dollars.....	\$8,000
Deputy clerk, three thousand five hundred dollars	3,500
Court clerks, 4 at \$3,000 each, twelve thousand dollars	12,000
Assistant Court clerks, 4 at \$1,600 each, six thousand four hundred dollars.....	6,400
Record clerk, one thousand five hundred dollars	1,500
License clerk, one thousand four hundred dollars	1,400
Fee clerk, one thousand four hundred dollars..	1,400
Road clerk, one thousand four hundred dollars.	1,400
Search clerk, one thousand two hundred dollars	1,200
Subpoena clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Assistant license clerk, one thousand two hundred dollars	1,200
Assistant road clerk, one thousand two hundred dollars	1,200
Assistant record clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Custodian of records, one thousand two hundred dollars	1,200
Miscellaneous clerks, 5 at \$1,200 each, six thousand dollars	6,000
Stenographer, one thousand two hundred dollars	1,200

Assistant custodian of records, one thousand dollars	1,000
Messenger, one thousand dollars	1,000
Extra clerk hire, one thousand dollars	1,000

Total, fifty-six thousand six hundred dollars \$56,600

Provided, That the amount appropriated in Item 1 shall be taken from the fees earned by the Clerk of said Courts.

Item 2. *Services other than personal:*

(a) Advertising applications for liquor licenses, ten thousand dollars	\$10,000
(b) Advertising applications for transfer of liquor licenses, one thousand eight hundred dollars	1,800

Total, eleven thousand eight hundred dollars \$11,800

Item 3. *Supplies:*

(a) Books, blanks and stationery, two thousand four hundred dollars	\$2,400
(b) Incidentals, five hundred dollars	500

Total, two thousand nine hundred dollars. \$2,900

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Clerk of the Courts of Oyer and Terminer and Quarter Sessions in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Sheriff, for the year
1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and thirty thousand nine hundred (130,900) dollars be, and the same is hereby appropriated to the Sheriff, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Sheriff, fifteen thousand dollars	\$15,000
Chief clerk and real estate deputy, six thousand dollars	6,000
Special deputy, three thousand dollars	3,000
Personal deputy, five thousand dollars.....	5,000
Clerk to real estate deputy, one thousand five hundred dollars	1,500
Execution clerk, one thousand eight hundred dollars	1,800
Appearance clerk, one thousand two hundred dollars	1,200
Assistant appearance clerk, one thousand dol- lars	1,000
Fee clerk, one thousand two hundred dollars..	1,200
Miscellaneous clerk, one thousand dollars....	1,000
Deputy sheriffs, 5 at \$1.500 each, seven thou- sand five hundred dollars.....	7,500
Clerks to deputy sheriffs, 5 at \$1,100 each, five thousand five hundred dollars.....	5,500
Quarter Sessions deputy, nine hundred dollars	900
Court deputies, 5 at \$100 each, five hundred dollars	500

Deputy sheriff, Orphans' Court, one hundred dollars	100
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Provided, That the amount appropriated to Item 1 (a) shall be taken from the fees earned by the Sheriff.

(b) Solicitor, three thousand dollars	3,000
Active Solicitor, five thousand dollars	5,000
Billposter, one thousand two hundred dollars . .	1,200
Custodian of books and records, eight hundred and forty dollars	840
Writ servers, 15 at \$900 each, thirteen thousand five hundred dollars	13,500
Auctioneer, six hundred dollars	600
Stenographer and auditor, one thousand five hundred dollars	1,500
Confidential clerk and stenographer, one thousand two hundred dollars	1,200
Messenger, seven hundred and twenty dollars.	720
Janitor, seven hundred and twenty dollars . . .	720
Cleaner, six hundred dollars	600
Superintendent of Court service, one thousand three hundred dollars	1,300
Prisoners' elevator guard, nine hundred dollars	900
Guards for van service, 4 at \$900 each, three thousand six hundred dollars	3,600
Driver for van service, nine hundred dollars . .	900
Custodian of prisoners, 3 at \$900 each, two thousand seven hundred dollars	2,700
Janitor of cell room, seven hundred and twenty dollars	720
(c) Extra clerks, five thousand eight hundred dollars	5,800
(d) Sheriff juries, one thousand dollars	1,000

Total, ninety-seven thousand dollars \$97,000

Item 2. *Services other than personal:*

(a) Conveyance of prisoners, two thousand two hundred dollars	\$2,200
(b) For use and driver of van, two thousand dollars	2,000
(c) Expense of writ service, three thousand dollars	3,000
(d) Keep of horses, seven hundred and fifty dollars	750
(e) Postage, four hundred dollars	400
(f) Preparation and advertising Sheriff's proclamations, five thousand dollars	5,000
(g) Printing and posting Sheriff's proclamations, one thousand five hundred dollars	1,500
(h) Sheriff's costs, advertising of City Sci. Fas., ten thousand dollars	10,000
<i>Provided, The City Controller may countersign warrants on this item for bills, for the year 1913</i>	
(i) Cost incident to City writs, two thousand dollars	2,000

Total, twenty-six thousand eight hundred and fifty dollars \$26,850

Item 3. *Supplies:*

(a) Stationery and books, three thousand five hundred dollars	\$3,500
(b) Uniforms for persons, five hundred and fifty dollars	550
(c) Miscellaneous, one thousand five hundred dollars	1,500

Total, five thousand five hundred and fifty dollars \$5,550

MAINTENANCE.

Item 4. *Services other than personal:*

(a) Repairs to van service, six hundred dollars..	\$600
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(b) Cleaning offices, three hundred dollars.....	300
Total, nine hundred dollars	\$900

CAPITAL OUTLAY.

Item 5. *Equipment:*

(a) Refurnishing offices, three hundred dollars..	\$300
(b) Horses, three hundred dollars	300
Total, six hundred dollars	\$600

Provided, That all employees in this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Sheriff in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Law, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and seventy-five thousand four hundred and ninety (175,490) dollars be, and the same is hereby appropriated to the Department of Law, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Solicitor, ten thousand dollars.....	\$10,000
First assistant, six thousand dollars.....	6,000
Assistant, five thousand dollars	5,000
Assistants, 5 at \$4,000 each, twenty thousand dollars	20,000
Assistants, 8 at \$3,000 each, twenty-four thousand dollars	24,000
Assistants, 2 at \$2,500 each, five thousand dollars	5,000
Assistants, 5 at \$2,400 each, twelve thousand dollars	12,000
Assistants, 3 at \$2,000 each, six thousand dollars	6,000
Assistants, 3 at \$1,800 each, five thousand four hundred dollars	5,400
Assistants, 6 at \$1,500 each, nine thousand dollars	9,000
Cashier, one thousand eight hundred dollars..	1,800
Confidential clerk, one thousand five hundred dollars	1,500
Clerk, one thousand five hundred dollars.....	1,500
Stenographers, 2 at \$1,500 each, three thousand dollars	3,000
Clerks, 4 at \$1,400 each, five thousand six hundred dollars	5,600
Stenographers or clerks, 5 at \$1,250 each, six thousand two hundred and fifty dollars.....	6,250
Clerks, 7 at \$1,200 each, eight thousand four hundred dollars	8,400
Clerks, 5 at \$1,000 each, five thousand dollars	5,000
Writ servers, 2 at \$1,000 each, two thousand dollars	2,000

Messengers, 2 at \$1,000 each, two thousand dollars	2,000
Custodian, one thousand dollars	1,000
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Librarian, nine hundred dollars	900
Matron, one thousand dollars	1,000
Special evidence agent, one thousand five hundred dollars	1,500
Cleaners, 2 at \$420 each, eight hundred and forty dollars	840
(b) Witness fees, two thousand dollars	2,000
(c) Prothonotary's costs, magistrates' costs, and expenses of City cases, one thousand five hundred dollars	1,500
(d) Expert service, fifteen thousand dollars	15,000
(e) Expenses for conveyancing, five hundred dollars	500
Total, one hundred and sixty-five thousand four hundred and ninety dollars	\$165,490

Item 2. *Services other than personal:*

Advertising, affidavits, postage, serving notices, and blue prints, eight thousand dollars	\$8,000
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Item 3. *Supplies:*

Miscellaneous, five hundred dollars	\$500
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Item 4. *Equipment:*

Law books, five hundred dollars	\$500
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Item 5. To bring back fugitive husbands to this jurisdiction, one thousand dollars	\$1,000
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Provided, That no assistant or assistants, nor any member of a law firm with which any assistant or assistants may be associated in the practice of law, or otherwise, shall be employed, engaged, or render service or services as counsel or attorney against the City, in any

Court proceeding or proceedings, in which the City and County of Philadelphia, or any Department or Bureau thereof, directly or indirectly, may be a party, either in a civil or criminal case, under penalty of immediate dismissal: *Provided also*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the City Solicitor in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the twenty-third day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Receiver of Taxes, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and sixty-seven thousand six hundred and ninety (267,690) dollars be, and the same is hereby appropriated to the Department of Receiver of Taxes, for the year 1914, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Receiver of Taxes, ten thousand dollars.....	\$10,000
Chief clerk, three thousand dollars.....	3,000
Assistant chief clerk, one thousand six hundred dollars	1,600

Stenographer and confidential clerk, one thousand four hundred dollars	1,400
Janitors, 4 at \$720 each, two thousand eight hundred and eighty dollars	2,880
Watchman, six hundred dollars	600
Custodian of records and supplies, one thousand dollars	1,000

Total, twenty thousand four hundred and eighty dollars \$20,480

RECEIPTS FOR CURRENT YEAR.

MAIN OFFICE.

ADMINISTRATION.

Item 2. *Personal services:*

(a) Salaries:

Deputy receiver, two thousand dollars	\$2,000
Cashier, two thousand five hundred dollars...	2,500
Discount clerk, one thousand seven hundred dollars	1,700
Judicial sales clerk, one thousand four hundred dollars	1,400
Auditor and assistant cashier, one thousand five hundred dollars	1,500
Chief bill clerk, one thousand two hundred dollars	1,200
Bill clerks, 12 at \$1,100 each, thirteen thousand two hundred dollars	13,200
Chief registering clerk, one thousand two hundred dollars	1,200
Registering clerks, 11 at \$1,100 each, twelve thousand one hundred dollars	12,100
Messenger, one thousand two hundred dollars	1,200
Assistant messenger, seven hundred and fifty dollars	750

(b) Extra clerks for emergency work, five thousand dollars	5,000
(c) For preparing duplicate copies of registered taxes for City Controller, five hundred dollars	500

Total, forty-four thousand two hundred and fifty dollars \$44,250

Item 3. *Services other than personal:*

(a) Transportation to visit and inspect 8 branch tax offices and 37 deputy collectors' offices, five hundred dollars	\$500
(b) Meals for regular employees on extra and night work, two thousand dollars	2,000
(c) Postage, five hundred dollars	500
(d) Printing poll tax receipt books, one thousand five hundred dollars	1,500
(e) Advertising, four hundred dollars.....	400

Total, four thousand nine hundred dollars \$4,900

Item 4. *Supplies:*

Miscellaneous and incidentals, four hundred dollars	\$400
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DISTRICT BRANCH OFFICES.

ADMINISTRATION.

Item 5. *Personal services:*

(a) Salaries:

District receivers, 8 at \$2,500 each, twenty thousand dollars	\$20,000
Cashiers, 8 at \$1,800 each, fourteen thousand four hundred dollars	14,400
Clerks, 24 at \$1,100 each, twenty-six thousand four hundred dollars	26,400

Janitors, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760
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Total, sixty-six thousand five hundred and sixty dollars	\$66,560
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Item 6. *Services other than personal:*

(a) Telephone, six hundred dollars	\$600
(b) Lighting, five hundred dollars	500

Total, one thousand one hundred dollars	\$1,100
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Item 7. *Supplies:*

(a) Fuel, three hundred dollars	\$300
(b) Miscellaneous and incidentals, two hundred dollars	200

Total, five hundred dollars	\$500
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FIXED CHARGES.

Item 8. Rent of district offices, six thousand seven hundred and eighty dollars.....	\$6,780
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COLLECTION OF STATE TAXES.

ADMINISTRATION.

Item 9. *Personal services:*

(a) Salaries:

Receiving clerk, one thousand eight hundred dollars	\$1,800
Receiving clerk and assistant auditor, one thousand two hundred dollars	1,200
State tax registering clerks, 2 at \$1,000 each, two thousand dollars	2,000

Total, five thousand dollars.....	\$5,000
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COLLECTION OF DELINQUENT TAXES.

ADMINISTRATION.

Item 10. *Personal services:*

(a) Salaries:

Chief deputy, two thousand five hundred dollars	\$2,500
Cashier, two thousand dollars	2,000
Lien clerk, one thousand eight hundred dollars	1,800
Assistant lien clerks, 7 at \$1,100 each, seven thousand seven hundred dollars	7,700
Auditors, including carfare and other transportation, 4 at \$1,500 each, six thousand dollars	6,000
Locality clerk, one thousand three hundred and twenty dollars	1,320
Registering clerk, one thousand two hundred dollars	1,200
Assistant registering clerk, one thousand one hundred dollars	1,100
Bill clerk, one thousand two hundred dollars	1,200
Deputy collectors of delinquent taxes, 37 at \$1,200 each, forty-four thousand four hundred dollars	44,400
Miscellaneous clerk, one thousand one hundred dollars	1,100

Total, seventy thousand three hundred and twenty dollars \$70,320

Item 11. *Services other than personal:*

(a) Expenses of deputy collectors, 37 at \$200 each, seven thousand four hundred dollars	\$7,400
(b) Advertising delinquent taxpayers, one thousand dollars	1,000

Total, eight thousand four hundred dollars \$8,400

COLLECTION OF WATER RENTS.

ADMINISTRATION.

Item 12. *Personal services:*

(a) Salaries:

Chief clerk, two thousand dollars	\$2,000
Chief bill clerk, one thousand five hundred dollars	1,500
Cashier, one thousand seven hundred dollars	1,700
Assistant cashier and lien clerk, one thousand three hundred dollars	1,300
Permit receiving clerk, one thousand four hundred dollars	1,400
Permit registering clerk, one thousand two hundred dollars	1,200
Search clerk, one thousand three hundred dollars	1,300
Chief registering clerk, one thousand two hundred dollars	1,200
Registering clerks, 5 at \$1,100 each, five thousand five hundred dollars	5,500
Entry clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
General clerks, 7 at \$1,000 each, seven thousand dollars	7,000
Messenger, nine hundred dollars	900

Total, twenty-seven thousand four hundred dollars \$27,400

MISCELLANEOUS.

Item 13. *Services other than personal:*

(a) For refunding to overseers of the poor of Roxborough, poor tax collected in 1913, five thousand dollars	\$5,000
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(b) For refunding of twice paid, overpaid and paid in error water rents, water permits and pipe laying bills, three hundred dollars.....	300
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Total, five thousand three hundred dollars \$5,300

SEARCHES.

ADMINISTRATION.

Item 14. *Personal services:*

(a) Salaries:

Chief search clerk, one thousand five hundred dollars	\$1,500
Assistant search clerks, 4 at \$1,200 each, four thousand eight hundred dollars.....	4,800

Total, six thousand three hundred dollars \$6,300

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Receiver of Taxes in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

OFFICE OF CHIEF CLERK OF COMMON COUNCIL.

Philadelphia, December 24, 1913.

This is to certify that the ordinance entitled "An Ordinance to make an appropriation to the Department of Receiver of Taxes, for the year 1914," was presented to the Mayor on the twelfth day of December, 1913, and was not returned at a meeting of Councils held ten days

after it had been presented to him. Wherefore, in pursuance of the provisions of the Act of Assembly approved May 23, 1874, dividing the cities of the State into three classes, etc., it becomes as effective as if the Mayor had signed it.

WM. H. FELTON,
Chief Clerk of Common Council.

AN ORDINANCE

To authorize the Philadelphia and Reading Railway Company to lay and maintain a railroad track or siding on and across Fifty-eighth street, south of the Chester Branch.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Philadelphia and Reading Railway Company be, and is hereby authorized to lay and maintain a railroad track or siding on and across Fifty-eighth street, about five hundred and fifty feet south of their Chester Branch, so as to connect the said Chester Branch with the property of the Gulf Refining Company on the east side of Fifty-eighth street, as shown on plan on file in the Bureau of Surveys (Department of Public Works): *Provided*, That the said track or siding shall be laid under the direction and supervision of the Department of Public Works (Board of Highway Supervisors), and shall be removed upon the passage of an ordinance to that effect, without any expense to the City of Philadelphia, and without any recourse for damages against said City, either property, personal or otherwise, and that the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the curb lines of Schuyler street, between Hansberry and Queen streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the curb lines of Schuyler street, between Hansberry and Queen streets.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Philadelphia and Reading Railway Company to lay and maintain a railroad siding or track on Glenwood avenue, west of Third street, and to relocate to the eastward their existing siding at this point, in the Thirty-third Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Philadelphia and Reading Railway Company be, and is hereby authorized to lay and maintain a railroad siding or track from their property on the south side of Glenwood avenue, about three hundred and forty feet west of Third street, across Glenwood avenue, into and upon the property of S. L. Allen & Company, and to relocate to the eastward their existing siding across Glenwood avenue to the west of the siding above authorized, as shown on plan on file in the Bureau of Surveys (Department of Public Works): *Provided*, That the work herein authorized shall be done under the supervision and direction of the Department of

Public Works (Board of Highway Supervisors), and that said siding shall be removed upon the passage of an ordinance to that effect, without any expense to the City of Philadelphia, and without any recourse for damage against said City, either property, personal or otherwise, and that the sum of fifty (50) dollars shall first be paid into the City Treasury for the publication of this ordinance.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the laying of water pipe in Bambrey, Cayuga, Ella, Eighty-second, Felton, Fifty-ninth, Medina, Mulberry, Philip, Seventh and Sixty-second streets; Bartram, Laycock, Medary, Northwestern, Roberts and Snyder avenues.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works be authorized to lay water pipe in the following streets, viz.: Bambrey street, from Indiana avenue to Clearfield street; Cayuga street, from Second to Third street; Ella street, from Wyoming avenue to Courtland street; Eighty-second street, from Brewster street to Eastwick avenue; Felton street, from Catharine street to Cedar avenue; Fifty-ninth street, from Jefferson to Nassau street; Medina street, from Seventh to Sears street; Mulberry street, from Dyre to Pratt street; Philip street, from Allegheny avenue to Westmoreland street; Seventh street, from Bristol to Cayuga street; Sixty-second street, from Girard avenue to Haverford avenue; Bartram avenue, from Eighty-first to Eighty-second street; Laycock avenue, from Eighty-first to Eighty-second street; Medary

avenue, from Ogontz avenue to Eighteenth street; Northwestern avenue, from Germantown avenue to about twelve hundred feet northeast; Roberts avenue, from Stokley to King street; Snyder avenue, from Point Breeze avenue to Twenty-fifth street.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To permit Hulton Dyeing and Finishing Company, Inc., to construct a bridge over and across Jasper street, between Sterner street and the Richmond Branch of the Philadelphia and Reading Railway.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That permission be, and is hereby granted to Hulton Dyeing and Finishing Company, Inc., to construct a bridge over and across Jasper street, from a point fifteen feet south of Sterner street, thence westerly across Jasper street, to connect their present building with a proposed new building, the bridge to be used exclusively in the conduct of their own business. The said bridge to be constructed of steel and corrugated iron, not to exceed eight feet in width, ten feet in height and to have a clearance of seventeen feet above the curb level; and shall be constructed in accordance with plans to be approved by the Department of Public Works. Before exercising any privilege under this ordinance, the said Hulton Dyeing and Finishing Company, Inc., shall enter into an agreement, satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said bridge, and to remove the same at any time upon the passage of an ordinance to that effect, and shall pay into

the City Treasury the sum of fifty (50) dollars to cover the cost of the publication of this ordinance.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of the lines and grades of a portion of City Plan No. 214, bounded by Greene street, Mt. Airy avenue, McCallum street and Ellet street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the lines and grades of that portion of City Plan No. 214, bounded by Greene street, Mt. Airy avenue, McCallum street and Ellet street.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,
Mayor of Philadelphia.

AN ORDINANCE

To repeal an ordinance approved July 5, 1913, entitled "An Ordinance to permit the Department of Public Works (Bureau of Highways) to remove a portion of a drinking fountain from the center of Spring Garden street, at about the west house line of Twelfth street, and to re-erect the same in the center of Spring Garden street, about one hundred and fifty (150) feet east of the east house line of Ridge avenue."

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That an ordinance approved July 5, 1913, entitled "An Ordinance to permit the Department of Public Works (Bureau of Highways) to remove a portion of a drinking fountain from the center of Spring Garden street, at about the west house line of Twelfth street, and to re-erect the same in the center of Spring Garden street, about one hundred and fifty (150) feet east of the east house line of Ridge avenue," be, and the same is hereby repealed.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE.

To authorize the Pennsylvania Railroad Company to lay and maintain two pipes for conveying steam; two air pipes for pneumatic message and other service, and two electrical conduits under and across Filbert street, between Sixteenth and Eighteenth streets.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That authority be, and is hereby granted the Pennsylvania Railroad Company to lay and maintain two pipes for conveying steam for heating purposes; two pipes for pneumatic message and other service, and two electrical conduits for electric light and telephone purposes under and across Filbert street, between Sixteenth and Eighteenth streets, connecting properties of the said Company on the south side of Filbert street with Nos. 1611 and 1721 on the north side thereof, as shown on plan on file in the Department of Public Works (Bureau of Surveys). The said pipes shall be laid under the supervision of the Department of Public Works (Board of Highway Supervisors): *Provided*, That the electrical conduits shall be used exclusively by

the said Pennsylvania Railroad Company in the conduct of its business at said location. Before exercising any privileges under this ordinance, the said Pennsylvania Railroad Company shall enter into an agreement, in form satisfactory to the City Solicitor, protecting the City from all damages by reason of the construction and maintenance of said pipes and conduits, and to remove same at any time upon the passage of an ordinance or resolution of Councils to that effect: *And provided*, That the sum of fifty (50) dollars shall first be paid into the City Treasury for the cost of publication of this ordinance.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Philadelphia and Reading Railway Company to construct and maintain railroad bridges across and over Wayne avenue and Germantown avenue.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Philadelphia and Reading Railway Company be, and is hereby authorized to construct and maintain a railroad deck plate girder bridge, with column supports on the curb lines, not exceeding thirteen (13) feet in width, center to center of girders, and carrying a single track railroad across and over Wayne avenue, south of and adjoining their existing bridge at that point, and also to construct and maintain a railroad through plate girder bridge about fourteen (14) feet nine (9) inches wide, center to center of girders, carrying a single-track railroad, across Germantown avenue, about eight (8) feet south of their existing bridges at that point: *Provided*, That the said bridges shall have a clearance of at least fourteen (14) feet above the confirmed grades

of Wayne avenue and Germantown avenue, and shall be built in accordance with plans approved by the Director of the Department of Public Works and Board of Surveyors: *And provided also*, That the entire cost and expense of construction and maintenance of the said bridges and any and all damages to private property resulting from the construction or maintenance thereof shall be paid by the said Philadelphia and Reading Railway Company, and that fifty (50) dollars shall first be paid into the City Treasury for the printing of this ordinance.

Approved the twenty-ninth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To condemn for public library purposes an irregularly shaped piece of land in the rear of 1018 South Forty-ninth street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That, by virtue and in pursuance of the authority vested in them by Act approved March 20, 1903, they do select and appropriate for public library purposes all that certain lot or piece of ground, beginning at a point in the northwest side of St. Bernard street at a distance of 135 feet 6 inches, more or less, southwest from the southwest side of Forty-ninth street; thence extending southwestwardly along the northwesterly side of St. Bernard street 15 feet, more or less, to an angle in the said St. Bernard street; thence westwardly along the north line of St. Bernard street 59 feet, more or less, to a point; thence northeastwardly along a line parallel with St. Bernard street and 50 feet at right angles northwestward therefrom 46 feet to a point;

thence along a line parallel with Forty-ninth street 50 feet to the northwest side of St. Bernard street and place of beginning.

SECT. 2. The City Solicitor is hereby directed to file in the proper Court a petition, on behalf of the City, setting forth the ground herein appropriated.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

RESOLUTION

Authorizing the Mayor to enter into a contract with the Welsbach Street Lighting Company of America for the lighting of the streets and public places of the City during the months of January and February, 1914, said contract to be charged against the annual appropriation to the Department of Public Works, Bureau of Lighting, Item 2 (b) and (c); and authorizing the Director of said Department to draw, and the City Controller to countersign, warrants thereunder against said appropriation; and directing the Clerks of Councils to present this resolution to the Mayor for his approval or disapproval.

WHEREAS, No arrangement has been, or can at this time, legally or practically, be made for entering into a contract, or otherwise providing for the lighting of the streets and other public places of the City (otherwise than by illuminating gas and electricity) for the entire year 1914; and

WHEREAS, The Welsbach Street Lighting Company of America has offered to do such lighting with naphtha lamps at the rate or price and on the terms and conditions stipulated in its contract with the City for the year 1913,

to wit: at the rate of \$29 per annum for each lamp for and during the months of January and February, 1914; therefore, be it

Resolved, By the Select and Common Councils of the City of Philadelphia, That the Mayor be, and he is hereby authorized to enter into a contract with the said Welsbach Street Lighting Company of America for such lighting for the period, at the rate and upon the terms and conditions aforesaid; said contract to be charged against the appropriation to the Department of Public Works, Bureau of Lighting, for the year 1914, to Item 2 (b) and (c); and that the Director of said Department be authorized to draw, and the City Controller to countersign a warrant, or warrants, under such contract against the said item.

Resolved, That the Clerks of Councils be directed to present this resolution to the Mayor for his approval or disapproval.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize certain transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health and Charities, Supplies, Mayor, City Commissioners, City Controller, District Attorney, Law, and City Treasurer, for the year 1913.

SECTION 1. *The Select and Common Councils of the City of Philadelphia, do ordain,* That the City Controller be authorized to make the following transfers in the annual appropriations to the several Bureaus in the Departments of Public Safety, Public Works, Public Health

and Charities, Supplies, Mayor, City Commissioners, City Controller, District Attorney, Law, and City Treasurer, for the year 1913, viz.: Department of Public Safety (Bureau of Police): From Item 8, salaries, eight hundred and forty-seven (\$47) dollars and twenty-two (22) cents. Department of Public Works (Bureau of Lighting): From Item 1, salaries, one hundred and fifty (150) dollars. Bureau of Surveys: From Item 8, salaries, surveying and engineering, five hundred (500) dollars.

Department of Health and Charities (Bureau of Charities): From Item 39½, to continue the work of erecting the storm water sewer at the Philadelphia Home for the Indigent, five thousand three hundred and thirteen (5,313) dollars and eighty-two (82) cents. City Controller: From Item 1, salaries, thirteen (13) dollars and forty-four (44) cents; from Item 4 (a), salaries, twelve (12) dollars and eleven (11) cents; from Item 4 (b), compensation for special services, etc., two hundred and fifty (250) dollars; from Item 6 (a), salaries, twenty-two (22) dollars and ninety-four (94) cents; from Item 6 (b), salaries and wages for extra help, etc., one hundred and thirty-five (135) dollars; from Item 7 (a), binding records, one hundred and fourteen (114) dollars; from Item 7 (b), indexing records, sixty-three (63) dollars and ninety-three (93) cents. City Treasurer: From Item 4 (d), sinking fund on new loans, seven thousand three hundred and twenty (7,320) dollars.

Department of Supplies (Public Safety): From Item 12, electrical instruments, etc., one thousand seven hundred and twenty-eight (1,728) dollars and forty (40) cents.

Department of Law: From Item 1 (a), for salaries, one thousand six hundred (1,600) dollars; from Item 2, advertising, etc., one thousand eight hundred (1,800) dollars. District Attorney: From Item 1, salaries, four hundred (400) dollars, to the following:

Department of Public Safety, Director's Office: To Item 2, transportation, etc., four hundred and fifty (450) dollars. Bureau of Fire: To Item 11 (b), repairs to

apparatus, etc., two hundred and forty-eight (248) dollars and six (6) cents. Electrical Bureau: To Item 10, repairs and maintenance of elevator service, etc., six (6) dollars and ten (10) cents; to Item 18 (d), for improvements, additions and equipment of fire alarm system, one hundred and thirty-five (135) dollars. Bureau of Elevator Inspection: To Item 1, salaries, eight (8) dollars and six (6) cents.

Department of Public Works (Bureau of Surveys): To Item 9 (b), hire, storage and care of horses and vehicles, five hundred (500) dollars. Bureau of City Property: To Item 8 (c), for wages and materials to fit up temporary rooms for the Municipal Court, five thousand (5,000) dollars: Provided, This item shall not merge December 31, 1913. Bureau of Lighting: To Item 2 (a), transportation, advertising, etc., one hundred and fifty (150) dollars.

Department of Public Health and Charities (Bureau of Charities): To Item 39 $\frac{1}{2}$, to pay bill of Peter Ellis for additional expense incurred in building sewer for Philadelphia Home for the Indigent, five thousand three hundred and thirteen (5,313) dollars and eighty-two (82) cents.

City Controller: To Item 2 (a), meals account overtime work, two hundred (200) dollars; to Item 2 (b), special and miscellaneous and communication service, twenty-seven (27) dollars; to Item 3 (a), stationery and office supplies, etc., seven hundred and forty-four (744) dollars and forty-two (42) cents; to Item 4 (c), services and miscellaneous expenses, etc., two hundred and fifty (250) dollars.

City Treasurer: To Item 7, for stationery and expenses incident to sale of new loans, six hundred (600) dollars.

City Commissioners: To Item 36 (f), to pay bills of Juvenile Aid Society, one thousand one hundred and ten (1,110) dollars.

Department of Law: To Item 1 (d), expert services, three thousand four hundred (3,400) dollars.

District Attorney: To Item 2, miscellaneous supplies, etc., four hundred (400) dollars.

Department of Supplies (Public Safety): To Item 12, to pay bill of George B. Clopp, for box posts, one thousand seven hundred and twenty-eight (1,728) dollars and forty (40) cents.

SECT. 2. That the City Controller be authorized to make the following transfers out of loan moneys: Department of Public Works (Bureau of Highways): From Item 97, for continuing the improvement of the Boulevard northeastward from Broad street, two thousand one hundred and forty-five (2,145) dollars and eighty-eight (88) cents.

Department of Supplies (Public Works): From Item 8, hardware, etc., six hundred and thirty-two (632) dollars and thirty-seven (37) cents. Charities: From Item 122, groceries, etc., one thousand eight hundred and fifty-nine (1,859) dollars and thirty (30) cents.

Mayor: From Item 111, soldiers' monument, eight thousand nine hundred and twenty-eight (8,928) dollars and fifty-eight (58) cents.

City Treasurer: From Item 140 (b), interest on new loans, fourteen thousand (14,000) dollars, to the following:

Department of Public Works (Bureau of Highways): To Item 97 L, to pay bill of McNichol Paving and Construction Company, for work done in connection with the lowering of the twenty-inch main in Oxford road crossing Northeast Boulevard at Oxford Center, two thousand one hundred and forty-five (2,145) dollars and eighty-eight (88) cents.

Supplies (Public Works): To Item 140 (b), to pay bill of Rogers Corr Coal Company, for coal, fourteen thousand (14,000) dollars. Charities: To Item 122, to pay bill of Simon & Dunlap, for vegetables, one thousand eight hundred and fifty-nine (1,859) dollars and thirty (30) cents: Public Works: To Item 8, to pay bill of J. Alfred Clark, for castings, six hundred and thirty-two (632) dollars and thirty-seven (37) cents.

Mayor: To Item 111, to pay bills in connection with the publication of "Philadelphians in the Civil War," as follows: Frank H. Taylor, balance due for services as author, two thousand three hundred and thirty-three (2,333) dollars and thirty-three (33) cents; Dunlap Printing Co., for printing books, six thousand three hundred and forty-five (6,345) dollars and twenty-five (25) cents; distribution of books, two hundred and fifty (250) dollars; total, eight thousand nine hundred and twenty-eight (8,928) dollars and fifty-eight (58) cents.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Inspectors of the County Prisons, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and fifty-two thousand and seventy-nine (252,079) dollars be, and the same is hereby appropriated to the Inspectors of the County Prisons, for the year 1914.

REED STREET PRISON.

Of the amount appropriated to the Inspectors of the County Prisons, the sum of one hundred and twenty-seven thousand six hundred and eighty-two (127,682) dollars is for the expenses of the Reed Street Prison, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Superintendent, five thousand dollars.....	\$5,000
Assistant superintendent, one thousand eight hundred dollars	1,800

Clerk, two thousand one hundred dollars.....	2,100
Prison agent, one thousand five hundred dollars	1,500
Physician, one thousand five hundred dollars..	1,500
Physician, woman, one thousand two hundred dollars	1,200
Assistant physician and apothecary, one thousand five hundred dollars	1,500
Matron, one thousand dollars.....	1,000
Assistant matron, eight hundred dollars.....	800
Chief electrician and engineer, one thousand five hundred dollars	1,500
Assistant electrician, one thousand dollars....	1,000
Second assistant electrician, nine hundred dollars	900
Engineer, nine hundred dollars.....	900
Fireman, nine hundred dollars.....	900
Baker, nine hundred dollars.....	900
Cook, nine hundred dollars	900
Keeper in charge of court calendar, one thousand two hundred dollars.....	1,200
Keepers, 23 at \$900 each, twenty thousand seven hundred dollars	20,700
Plumber and keeper, one thousand dollars....	1,000
Painter and keeper, one thousand dollars....	1,000
Carpenter and keeper, one thousand dollars..	1,000
Night gate-keepers, 2 at \$900 each, one thousand eight hundred dollars.....	1,800
Messenger, nine hundred dollars.....	900
Keepers (women), 6 at \$750 each, four thousand five hundred dollars.....	4,500
Watchmen, 5 at \$800 each, four thousand dollars	4,000
Watchman to act as nurse, eight hundred dollars	800
Watchwomen, 4 at \$540 each, two thousand one hundred and sixty dollars.....	2,160
Domestics, 2 at \$5.00 per week, five hundred and twenty-two dollars.....	522

(b) Overwork of prisoners, one hundred and fifty dollars	150
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Total, sixty-three thousand one hundred and thirty-two dollars \$63,132

Item 2. *Services other than personal:*

(a) Traveling expenses of prison agent, one hundred and fifty dollars.....	\$150
(b) Traveling expenses for prison, four hundred dollars	400
(c) Conveying prisoners on writs of habeas corpus, seventy-five dollars.....	75
(d) Hauling ashes, four hundred and fifty dollars	450
(e) Communication service and incidentals, seven hundred and fifty dollars	750
(f) Advertising and publishing of notices, one hundred and fifty dollars.....	150

Total, one thousand nine hundred and seventy-five dollars \$1,975

Item 3. *Materials:*

Leather and shoe findings, four hundred dollars	400
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Item 4. *Supplies:*

(a) Stationery, two hundred dollars.....	\$200
(b) Drugs and hospital supplies, six hundred dollars	600
(c) Coal, ten thousand five hundred dollars....	10,500
(d) Gas, two hundred and twenty-five dollars..	225
(e) Mechanics' and engineers' supplies, two thousand dollars	2,000
(f) Soap, one thousand dollars.....	1,000
(g) Brooms, combs and material for making brushes, four hundred dollars.....	400
(h) Disinfectants, three hundred dollars.....	300

(i) Clothing and bedding, etc., four thousand eight hundred dollars.....	4,800
(j) Hay, feed and straw, two hundred and fifty dollars	250
(k) Flour, ten thousand dollars.....	10,000
(l) Beef, mutton and pork, fifteen thousand dollars	15,000
(m) Groceries and provisions, two thousand three hundred dollars	2,300
(n) Vegetables, three thousand five hundred dollars	3,500
(o) Milk, two hundred and fifty dollars.....	250
(p) Compressed yeast, four hundred dollars....	400
(q) Ice, four hundred dollars	400
(r) Newspapers, tobacco and toilet paper, one hundred dollars	100

Total, fifty-two thousand two hundred and twenty-five dollars \$52,225

MAINTENANCE.

Item 5. *Repairs and replacements:*

(a) Materials for repairs and improvements, three thousand dollars.....	\$3,000
(b) Equipment, furniture and miscellaneous, one thousand six hundred and fifty dollars...	1,650
(c) Repairs and improvements, five thousand dollars.	5,000

Total, nine thousand six hundred and fifty dollars \$9,650

FIXED CHARGES AND CONTRIBUTIONS.

Item 6. Presents to discharged prisoners, one hundred and fifty dollars	\$150
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CAPITAL OUTLAY.

Item 7. Library books, one hundred and fifty dollars	\$150
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HOLMESBURG PRISON

SECT. 2. Of the amount appropriated to the Inspectors of the County Prisons, the sum of one hundred and twenty-four thousand three hundred and ninety-seven (124,397) dollars is for the expenses of the Holmesburg Prison, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Assistant superintendent, two thousand five hundred dollars.....	\$2,500
Clerk, one thousand five hundred dollars....	1,500
Messenger, nine hundred dollars	900
Physician, one thousand three hundred dollars	1,300
Baker, nine hundred dollars	900
Cook, nine hundred dollars	900
Keeper and registrar, one thousand two hundred dollars	1,200
Keepers, 16 at \$900 each, fourteen thousand four hundred dollars	14,400
Shoemaker and keeper, one thousand dollars..	1,000
Carpenter and keeper, one thousand dollars..	1,000
Painter and keeper, one thousand dollars....	1,000
Plumber and keeper, one thousand dollars....	1,000
Bricklayer and keeper, one thousand dollars..	1,000
Tailor and keeper, one thousand dollars.....	1,000
Printer and keeper, one thousand dollars.....	1,000
Electrician and keeper, nine hundred dollars..	900
Night gate keeper, nine hundred dollars.....	900
Watchmen, 13 at \$800 each, ten thousand four hundred dollars	10,400
Chief electrician and engineer, one thousand two hundred dollars	1,200
Assistant electrician and engineer, one thousand dollars	1,000
Second assistant electrician, nine hundred dollars	900

Firemen, two at \$800 each, one thousand six hundred dollars	1,600
Domestics, 2 at \$5.00 per week, five hundred and twenty-two dollars.....	522
(b) Overwork of prisoners, one hundred and fifty dollars	150
Total, forty-eight thousand one hundred and seventy-two dollars.....	\$48,172

Item 2. *Services other than personal:*

(a) Communication service and incidentals, four hundred dollars	400
(b) Printing and binding, three hundred dollars	300
(c) Advertising and publication of notices, one hundred and seventy-five dollars	175
Total, eight hundred and seventy-five dollars	\$875

Item 3. *Materials:*

Leather and manufacturing materials, five thousand dollars	\$5,000
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Item 4. *Supplies:*

(a) Stationery, two hundred dollars	\$200
(b) Drugs and hospital supplies, eight hundred dollars	800
(c) Fuel, thirteen thousand dollars	13,000
(d) Mechanics', engineers', and electricians' supplies, three thousand five hundred dollars....	3,500
(e) Soap, one thousand dollars.....	1,000
(f) Brooms, combs and material for making brushes, four hundred dollars	400
(g) Disinfectants, one hundred and fifty dollars	150
(h) Clothing and bedding, five thousand three hundred dollars	5,300

(i) Hay, feed and straw, two hundred and fifty dollars	250
(j) Flour, eleven thousand dollars	11,000
(k) Beef, mutton and pork, sixteen thousand five hundred dollars	16,500
(l) Groceries and provisions, three thousand dollars	3,000
(m) Vegetables, four thousand dollars	4,000
(n) Milk, six hundred dollars	600
(o) Compressed yeast, five hundred dollars	500
(p) Ice, six hundred dollars	600
(q) Shoe findings, etc., three hundred dollars	300
(r) Water rent, two thousand five hundred dollars	2,500
(s) Newspapers, tobacco, etc., one hundred and fifty dollars	150

Total, sixty-three thousand seven hundred and fifty dollars \$63,750

Provided, The Inspectors of the County Prisons are hereby authorized to purchase and contract for a supply of water from the Holmesburg and Disston Water Company, for the Holmesburg Prison, for the year 1914, at the same rate that existed for the year 1913.

Item 5. *Contributions:*

Presents for discharged prisoners, four hundred dollars	\$400
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MAINTENANCE.

Item 6. *For repairs and improvements:*

For materials, five thousand dollars	\$5,000
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Item 7. *Equipment:*

(a) Furniture, furnishings and miscellaneous, five hundred dollars	\$500
(b) Machinery, etc., five hundred dollars	500

Total, one thousand dollars \$1,000

CAPITAL OUTLAY.

Item 8. *Equipment:*

Library books, two hundred dollars..... \$200

Provided, That the said Inspectors of the County Prisons shall be allowed, when it is in their judgment to the best interests of the City, to purchase or contract, without advertising, bills for each prison not exceeding the sum of one hundred (100) dollars, and the City Controller is hereby authorized and directed to countersign warrants for bills so rendered upon the approval of the said bills by the Inspectors of the County Prisons: *Provided also*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Inspectors of the County Prisons in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the District Attorney, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of eighty-six thousand five hundred (\$86,500) dollars be, and the same is hereby appropriated to the District Attorney, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

District Attorney, twelve thousand dollars....	\$12,000
First assistant district attorney, seven thousand five hundred dollars	7,500
Assistant district attorneys, 4 at \$5,000 each, twenty thousand dollars	20,000
Assistant district attorneys, 3 at \$4,000 each, twelve thousand dollars	12,000
Assistant district attorneys, 2 at \$3,000 each, six thousand dollars	6,000
Indictment attorney, two thousand five hundred dollars	2,500
Chief clerk, three thousand dollars.....	3,000
Indictment clerk, two thousand dollars.....	2,000
Fee clerk, one thousand one hundred dollars..	1,100
Legal stenographer, one thousand eight hundred dollars	1,800
Office clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Stenographer and clerk, one thousand dollars..	1,000
Messenger, one thousand one hundred dollars	1,100
Detective, one thousand seven hundred dollars	1,700
Detectives, 2 at \$1,500 each, three thousand dollars	3,000
Stenographers and typists, 2 at \$1,200 each, two thousand four hundred dollars	2,400
(b) Extra help, one thousand dollars	1,000
(c) Experts for testimony, one thousand dollars.	1,000
(d) Witness fees, two thousand five hundred dollars	2,500

Total, eighty-four thousand dollars..... \$84,000

Item 2. *Supplies:*

Miscellaneous supplies and expenses, two thousand five hundred dollars \$2,500

Provided, That the amounts appropriated for salaries shall be taken from fees earned by the District Attorney: *Provided also*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of this City at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the District Attorney in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Commissioners of Fairmount Park, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of six hundred and five thousand four hundred and eighty-four (605,484) dollars be, and the same is hereby appropriated to the Commissioners of Fairmount Park, for the year 1914, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Secretary, three thousand dollars..... \$3,000

Clerk, one thousand four hundred dollars.....	1,400
Park solicitor, one thousand two hundred dollars	1,200

Total, five thousand six hundred dollars \$5,600

Item 2. *Services other than personal:*

Care and cleaning, five hundred dollars.....	\$500
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Item 3. *Supplies:*

Stationery, printing, postage and miscellaneous, two thousand five hundred dollars.....	\$2,500
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FIXED CHARGES.

Item 4. *Contributions:*

(a) Maintenance and care of the Zoological Garden, fifty thousand dollars.....	\$50,000
(b) Park guard pension fund, one thousand five hundred dollars	1,500

Total, fifty-one thousand five hundred dollars..... \$51,500

CARE OF PARKS.

OPERATION.

Item 5. *Personal services:*

(a) Salaries:

Chief engineer, four thousand five hundred dollars	\$4,500
Assistant engineer, one thousand six hundred and fifty dollars	1,650
Landscape gardener, two thousand dollars....	2,000
Chief clerk, one thousand three hundred and fifty dollars	1,350
Messenger, nine hundred dollars.....	900
Superintendent of aquarium, three thousand dollars	3,000

Office assistant and stenographer, one thousand dollars	1,000
Park guard captain, two thousand dollars....	2,000
Park guard lieutenant, one thousand five hundred dollars	1,500
Sergeants, 8 at \$3.50 per day, ten thousand two hundred and twenty dollars.....	10,220
Guards, 140 at \$3.00 per day, one hundred and fifty-three thousand three hundred dollars..	153,300
Ambulance driver, \$50 per month, six hundred dollars	600
Attendants, 6 at \$30 per month for 12 months, and 10 at \$30 per month for 6 months, three thousand nine hundred and sixty dollars...	3,960
Rangers, 12 at \$2.75 per day, thirteen thousand three hundred and twenty-nine dollars.....	\$13,329
(b) Labor, skilled and unskilled, one hundred and eighty-five thousand dollars.....	185,000
(c) Music, concerts afternoons and evenings, fifteen thousand dollars.....	15,000

Total, three hundred and ninety-nine thousand three hundred and nine dollars...\$399,309

Item 6. *Services other than personal:*

(a) Carfare, care of automobile and communication service.....	\$300
(b) Heat, light and power, forty-nine thousand five hundred dollars	49,500

Total, forty-nine thousand eight hundred dollars

Item 7. *Supplies:*

(a) Stationery, postage and printing, one thousand three hundred and fifty dollars.....	\$1,350
(b) Coal, seven thousand five hundred dollars..	7,500
(c) Uniforms, six thousand and eighty dollars..	6,080

(d) Forage for live stock, five thousand dollars..	5,000
(e) Oil for sprinkling roads, five thousand dollars	5,000
(f) Miscellaneous, one hundred and thirty dollars	130

Total, twenty-five thousand and sixty dollars \$25,060

ADMINISTRATION.

Item 8. *Materials:*

(a) General repairs and renewals to buildings, including Memorial and Horticultural Halls, the Aquarium, erection of shelters, retiring houses, improving water supply, purchase of and repairs to sprinkling wagons, settees and picnic tables, twenty-one thousand two hundred and fifty dollars	\$21,250
(b) For various maintenance work, twenty-four thousand dollars	24,000

Total, forty-five thousand two hundred and fifty dollars \$45,250

Item 9. *Supplies:*

(a) Materials and supplies for automobile, three hundred and sixty-five dollars.....	\$365
(b) Fertilizers and manure, two thousand two hundred dollars	2,200
(c) Fish and supplies for aquarium, three thousand dollars	3,000

Total, five thousand five hundred and sixty-five dollars \$5,565

Item 10. *Equipment:*

Mowing machines, four hundred dollars.....	\$400
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CAPITAL OUTLAY.

Item 11. *Shade trees:*

For planting and care of trees on City streets, twenty thousand dollars.....	\$20,000
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Provided, That before Item 4 (a), for Zoological Garden, shall become available, Councils shall be represented in the Board of Managers of said institution by one member from Select Council and one member from Common Council, to be selected by each branch thereof: *Provided*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided further*, That before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that the provisions of the ordinance of Councils entitled "An Ordinance for the employment of only American citizens by contractors doing work for the City of Philadelphia," approved December 16, 1896, has been complied with; *And Provided*, That the Commissioners of Fairmount Park may make purchases or contracts to an amount not exceeding five hundred dollars at any time, without advertising, and without filing of a bond, and the City Controller is hereby authorized and directed to approve warrants therefor.

And warrants shall be drawn by the said Commissioners in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of City Commissioners, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one

million six hundred and thirty-two thousand and ninety-nine (1,632,099) dollars be, and the same is hereby appropriated to the Department of City Commissioners, for the year 1914, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Commissioners, 3 at \$5,000 each, fifteen thousand dollars	\$15,000
Chief clerk, two thousand five hundred dollars.	2,500
Superintendent of elections, two thousand dollars	2,000
Election clerk, one thousand six hundred dollars	1,600
Election clerk, one thousand two hundred dollars	1,200
Warrant clerk, one thousand two hundred dollars	1,200
Election clerk, one thousand two hundred and fifty dollars	1,250
Miscellaneous clerks, 2 at \$1,000 each, two thousand dollars	2,000
Miscellaneous clerks, 2 at \$900 each, one thousand eight hundred dollars.....	1,800
Janitress, at \$45 per month, five hundred and forty dollars	540
(b) Overtime work and specially engaged men at election time, two thousand dollars.....	2,000
(c) To pay per diem clerks regularly employed, 4 at \$3.50 per day, 3 at \$3 per day, and 1 at \$2.50 per day, six thousand dollars.....	6,000
(d) Extra clerk hire, six thousand dollars.....	6,000
(e) Fees, attorney for commissioners, two thousand dollars	2,000

Total, forty-five thousand and ninety dollars \$45,090

Provided, That the City Commissioners may, at their discretion, assign any of the foregoing employees to primary election work, and draw warrants in payment of their salaries, while so employed, against the item for primary election account, and the City Controller is authorized to countersign warrants so drawn: *Provided also*, That when any of the foregoing employees are assigned to extra or overtime on election work, warrants for their pay, while so employed, may be drawn against the item for primary election account.

Item 2. *Services other than personal:*

Postage, printing, advertising and miscellaneous, six hundred dollars.....	\$600
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Item 3. *Supplies:*

(a) Stationery, newspapers, cleaning and toilet, six hundred and fifty dollars	650
(b) Ice, one hundred dollars	100

Total, seven hundred and fifty dollars....	\$750
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CAPITAL OUTLAY.

Item 4. *Equipment:*

Furniture and furnishings, two hundred dollars	\$200
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STATE AND COUNTY COURTS.

ADMINISTRATION.

Item 5. *Personal services:*

(a) Salaries:

Officers of Courts of Common Pleas, 49 at \$2,000 each, ninety-eight thousand dollars..	\$98,000
Officers for Orphans' Court, 14 at \$2,000 each, twenty-eight thousand dollars	28,000
Officers for Courts of Quarter Sessions, 36 at \$2,000 each, seventy-two thousand dollars..	72,000

Criers for Courts of Quarter Sessions, 1 at \$2,500 and 2 at \$2,250 each, seven thousand dollars	7,000
Clerk to Board of Jurors, two thousand dollars	2,000
Court stenographers, 14 at \$2,500 each, thirty-five thousand dollars	35,000
Probation officer for male convicts, one thousand eight hundred dollars	1,800
Probation officer for female convicts, one thousand two hundred dollars	1,200
Court interpreters, 5 at \$1,500 each, seven thousand five hundred dollars	7,500
Janitors, Common Pleas, 4 to each court, at \$720 each, fourteen thousand four hundred dollars	14,400
Janitors, Quarter Sessions, 12 at \$720 each, eight thousand six hundred and forty dollars	8,640
Janitors, Orphans' Court, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160
Janitors, Supreme Court, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160
(b) Jurors' fees, \$2.50 per day per juror, one hundred thousand dollars	100,000
(c) Witness fees for Quarter Sessions Courts at \$1.50 per day per witness, two thousand five hundred dollars	2,500

Total, three hundred and eighty-two thousand three hundred and sixty dollars. . \$382,360

Item 6. *Services other than personal:*

(a) Coach hire for visits of grand jurors to institutions, five hundred dollars	\$500
(b) Meals for jurors, one thousand dollars	1,000
(c) For miscellaneous expenses for the Courts of Common Pleas, \$500 each; and for Courts	

of Quarter Sessions Nos. 1, 2 and 3, \$333.33 each; and Supreme Court, \$500 each, four thousand dollars	4,000
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Total, five thousand five hundred dollars..	\$5,500
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Item 7. *Supplies:*

(a) Supplies for janitors, one hundred dollars..	\$100
(b) Uniforms of officers and criers of Courts of Quarter Sessions, 39 at \$40 each, one thousand five hundred and sixty dollars	1,560

Total, one thousand six hundred and sixty dollars	\$1,660
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PROBATION OFFICERS, JUVENILE COURT.

ADMINISTRATION.

Item 8. *Personal services:*

Salaries:

Chief probation officer, at \$100 per month, one thousand two hundred dollars	\$1,200
Probation officers, 19 at \$65 per month, fourteen thousand eight hundred and twenty dollars	14,820
Stenographer for chief probation officer, four hundred and twenty dollars	420

Total, sixteen thousand four hundred and forty dollars	\$16,440
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Item 9. *Services other than personal:*

(a) Transportation, eight hundred dollars.....	\$800
(b) Communication service, three hundred and fifty-five dollars	355
(c) Printing, one hundred dollars	100

Total, one thousand two hundred and fifty-five dollars	\$1,255
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CAPITAL OUTLAY.

Item 10. *Equipment:*

Furniture and fixtures, sixty-five dollars.....	\$65
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FIXED CHARGES.

Item 11. Office rents for probation officers in various parts of Philadelphia, seven hundred and fifty dollars	\$750
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HOUSE OF DETENTION.

OPERATION.

Item 12. *Personal services:*

Salaries:

Superintendent, two thousand dollars	\$2,000
Assistant superintendent, one thousand two hundred dollars	1,200
Clerks, 2 at \$600 each, one thousand two hundred dollars	1,200
Engineer, seven hundred and eighty dollars...	780
Assistant engineer, six hundred dollars.....	600
Doorkeeper, five hundred and forty dollars...	540
Janitor, seven hundred and twenty dollars...	720
Guards, 2 at \$720 each, one thousand four hundred and forty dollars	1,440
Guards, 5 at \$600 each, three thousand dollars	3,000
Housekeeper, four hundred and eighty dollars	480
Maids, 4 at \$400 each, one thousand six hundred dollars	1,600
Cook, three hundred and sixty dollars.....	360
Kitchen maid, two hundred and forty dollars..	240
Psychiatrist and director, six hundred dollars.	600
Medical examiner for boys, six hundred dollars	600
Medical examiner for girls, three hundred dollars	300

Mental examiner and child study expert, nine hundred and twenty dollars.....	920
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Total, sixteen thousand five hundred and eighty dollars	\$16,580
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Item 13. *Services other than personal:*

(a) Telephone, three hundred dollars	\$300
(b) Furnishing light and heat, five hundred dollars	500

Total, eight hundred dollars.....	\$800
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Item 14. *Supplies:*

(a) Office supplies, two hundred and fifty dollars	\$250
(b) Fuel, coal, nine hundred dollars	900
(c) Cleaning and toilet supplies, laundry supplies, soap and disinfectant, five hundred dollars	500
(d) Clothing, three hundred dollars	300
(e) Bread, butter and eggs, one thousand and fifty dollars	1,050
(f) Milk, five hundred dollars	500
(g) Meat and fish, seven hundred dollars.....	700
(h) Vegetables and groceries, one thousand and fifty dollars	1,050
(i) Ice, two hundred dollars	200

Total, five thousand four hundred and fifty dollars	\$5,450
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Provided, That the City Commissioners be authorized to draw, and the City Controller to countersign, warrants for the purchase of supplies and payment of miscellaneous expenses and of the salaries and wages of officers and servants employed by the Board of Managers upon certificate of said Board as to their correctness, accompanied by itemized bills of said supplies and expenses.

LAND DAMAGES.

ADMINISTRATION.

Item 15. *Personal services:*

(a) Salaries:

Board of Viewers, 9 at \$5,000 each, forty-five thousand dollars	\$45,000
Chief clerk, two thousand dollars	2,000
Assistant clerks, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Clerk and messengers, 4 at \$1,000 each, four thousand dollars	4,000
Stenographer, one thousand five hundred dollars	1,500
Janitor, seven hundred and twenty dollars....	720

(b) Special fees, affidavits, stenographic reports of hearings, three thousand five hundred dollars	3,500
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Total, fifty-nine thousand one hundred and twenty dollars	\$59,120
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Item 16. *Services other than personal:*

(a) Communication and miscellaneous services, four hundred and ninety dollars	\$490
(b) Printing forms, notices, letterheads, advertising and publication of notices, six hundred and fifty dollars	650

Total, one thousand one hundred and forty dollars	\$1,140
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Item 17. *Supplies:*

(a) Office, drafting, cleaning and toilet supplies and ice, eight hundred and sixty dollars.....	\$860
(b) Postage, one hundred dollars	100

Total, nine hundred and sixty dollars....	\$960
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ASSESSMENT OF VOTERS.

ADMINISTRATION.

Item 18. *Personal services:*

Salaries:

Assessors of voters for September, 1,260 at \$44 each, fifty-five thousand four hundred and forty dollars	\$55,440
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Assessors of voters for December, 1,260 at \$38.50 each, forty-eight thousand five hundred and ten dollars	48,510
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Total, one hundred and three thousand nine hundred and fifty dollars	\$103,950
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Item 19. *Services other than personal:*

Printing assessors' lists, ten thousand dollars..	\$10,000
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Provided, That 150 copies of the September assessment for each division shall be printed in September: *Provided further*, That the contractor be required to do the work in the City of Philadelphia: *Provided also*, Contracts shall be awarded to contractors who pay the recognized rate of wages adopted by the Typographical Union.

REGISTRATION OF VOTERS.

ADMINISTRATION.

Item 20. *Personal services:*

(a) Salaries:

Registration commissioners, 4 at \$3,000 each, twelve thousand dollars	\$12,000
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Recorder, two thousand five hundred dollars..	2,500
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Stenographer and clerk, one thousand five hundred dollars	1,500
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Clerk, one thousand two hundred dollars.....	1,200
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Custodian of records, one thousand two hundred dollars	1,200
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Messenger, eight hundred and forty dollars...	840
Attorney, one thousand dollars	1,000
(b) Election division registrars, 4 at \$10 each per diem for 4 days in 1,260 registration di- visions, two hundred and one thousand six hun- dred dollars	201,600
(c) Extra clerk hire, two thousand dollars....	2,000

Total, two hundred and twenty-three thou-
sand eight hundred and forty dollars. . \$223,840

Item 21. *Services other than personal:*

(a) Automobile hire, meals, postage, advertising and miscellaneous, one thousand dollars.....	\$1,000
(b) Printing street lists, thirty-two thousand seven hundred and sixty dollars	32,760
(c) General printing, two thousand dollars....	2,000
(d) Storage of registration books, etc., three hun- dred and sixty dollars	360

Total, thirty-six thousand one hundred and
twenty dollars

Item 22. *Supplies:*

Stationery and ice, one hundred and twenty-five dollars	\$125
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FIXED CHARGES.

Item 23. Rent of rooms in which registrations are held, 1,260 divisions for 4 days, at \$5 per day, twenty-five thousand two hundred dollars. \$25,200	
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PRIMARY ELECTION.

ADMINISTRATION.

Item 24. *Personal services:*

(a) Salaries:

Judges of election, 1,260 at \$15 each, eigh- teen thousand nine hundred dollars	\$18,900
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Inspectors of election, 2,520 at \$5 each, twelve thousand six hundred dollars	12,600
Clerks of election, 2,520 at \$5 each, twelve thousand six hundred dollars	12,600
(b) Extra help for per diem and overtime, six thousand dollars	6,000
(c) Extra help on account of extra work required because of additional parties on ballot, two thousand dollars	2,000
Total, fifty-two thousand one hundred dollars	\$52,100

Provided, That any extra help that may be employed for primary election work shall be paid out of the primary election item, and the City Controller is authorized to countersign warrants so drawn.

Item 25. *Services other than personal:*

(a) Communication service, three hundred dollars	\$300
(b) Printing of official ballots, sample ballots, tally sheets, return sheets, statements, etc., for 1,260 divisions, fifty thousand dollars.....	50,000
(c) Advertising primary election in newspapers, one thousand two hundred dollars	1,200
(d) Special and miscellaneous, one thousand dollars	1,000
Total, fifty-two thousand five hundred dollars	\$52,500

Item 26. *Supplies:*

Stationery, ballot markers, rubber stamps, ink, etc., nine hundred dollars	\$900
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FIXED CHARGES.

Item 27. Rent of rooms in which primary elections are held, 1,260 at \$25 per division, thirty-one thousand five hundred dollars	\$31,500
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HOLDING GENERAL ELECTION.

ADMINISTRATION.

Item 28. *Personal services:*

(a) Salaries:

Judges of election, 1,260 at \$15 each, eighteen thousand nine hundred dollars	\$18,900
Inspectors of election, 2,520 at \$5 each, twelve thousand six hundred dollars	12,600
Clerks of election, 2,520 at \$5 each, twelve thousand six hundred dollars	12,600

(b) Extra clerks used in computing and counting election returns, two thousand five hundred dollars	2,500
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Total, forty-six thousand six hundred dollars \$46,600

Item 29. *Services other than personal:*

(a) Automobile hire, changing election booths and delivering ballot boxes, meals for police and men engaged in storing ballot boxes, and postage, five hundred dollars	\$500
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(b) Printing books and blank cards for election officers, sample tickets for voters, assessors' books, printing and binding election tickets for each election division, to be used for voting, thirty-four thousand dollars	\$34,000
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Provided, That instead of advertising the City Commissioners may ask for written proposals from not less than three responsible parties for the printing of election tickets and all necessary election papers: *Provided further*, That work for printing shall be done in the City of Philadelphia and awarded only to contractors who pay the recognized rate of wages adopted by the Typographical Union.

(c) Storage of ballot boxes, election booths, etc., one hundred and forty-four dollars.....	144
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Total, thirty-four thousand six hundred
and forty-four dollars \$34,644

Item 30. *Supplies:*

Stationery, ballot markers, pens, holders, ink, rubber bands, etc., nine hundred dollars...	\$900
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FIXED CHARGES.

Item 31. Rent of rooms for election, 1,260 at \$25 per division, thirty-one thousand five hun- dred dollars	\$31,500
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CAPITAL OUTLAY.

Item 32. Equipment—purchasing new election booths, one thousand four hundred dollars....	\$1,400
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MAGISTRATES AND FINES FOR CRUELTY.

Item 33. *Personal services:*

(a) Salaries:

Magistrates, 28 at \$3,000 each, eighty-four thousand dollars	\$84,000
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(b) To Pennsylvania Society for Prevention of Cruelty to Animals and Women's Society for Prevention of Cruelty to Animals, two thou- sand five hundred dollars.....	2,500
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Total, eighty-six thousand five hundred
dollars \$86,500

WEIGHTS AND MEASURES.

Item 34. *Personal services:*

Salaries:

Supervisor of inspectors, two thousand five hun- dred dollars	\$2,500
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Stenographer or clerk, one thousand two hundred dollars	1,200
Inspectors, 30 at \$1,500 each, forty-five thousand dollars	45,000
Total, forty-eight thousand seven hundred dollars	\$48,700

Item 35. *Supplies:*

Equipment, furnishings, transportation, etc., ten thousand dollars	\$10,000
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CARE DEFECTIVE, DEPENDENT AND DELINQUENT PERSONS.

OPERATION.

Item 36. *Services other than personal:*

(a) State Hospital for Insane, southeastern district of Pennsylvania, Norristown, one hundred and twenty-five thousand dollars	\$125,000
(b) Care of boys and girls committed to Glen Mills Schools, forty thousand dollars.....	40,000
(c) Keep of prisoners of Philadelphia County in Eastern Penitentiary, twenty thousand dollars	20,000
(d) Pennsylvania Reformatory for boys at Huntingdon, twenty thousand dollars	20,000
(e) Incurables at Wernersville, twenty-five thousand dollars	25,000
(f) Children committed from Philadelphia County to industrial schools, nine thousand dollars	9,000
(g) Care of inmates at State Lunatic Hospital, Harrisburg, two hundred dollars	200
(h) Care of inmates at State Hospital for the Insane, Danville, one thousand two hundred dollars	1,200
(i) Maintenance of at least 30 blind men in	

Pennsylvania Working Home for Blind Men, Philadelphia, five thousand dollars	5,000
(j) Expenses of Board of Visitation to juvenile children detained in homes or institutions, five hundred dollars	500
(k) State Asylum for Criminal Insane at Far- view, six thousand dollars	6,000
Total, two hundred and fifty-one thousand nine hundred dollars	\$251,900

CONTRIBUTIONS TO MILITARY ORGANIZA- TIONS.

FIXED CHARGES.

Item 37. *Support and maintenance of military organi- zations:*

(a) First Brigade Headquarters, five hundred dollars	\$500
First Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars	6,500
Second Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars.....	6,500
Third Regiment, Cos. A, B, C, D, E, F, G, H, J, K, L, M, and band, 13 at \$500 each, six thousand five hundred dollars.....	6,500
Sixth Regiment, Cos. E, K, L, M, and band, 5 at \$500 each, two thousand five hundred dollars	2,500
Naval force of Pennsylvania, Cos. A and B, 2 at \$500 each, one thousand dollars.....	1,000
State Fencibles, Battalion Cos. A, B, C, D, 4 at \$500 each, two thousand dollars.....	2,000
Engineer Battalion, Co. B, five hundred dollars	500
Troops A, G, First City Troop, Second City Troop (First Squadron Cavalry), 4 at \$500 each, two thousand dollars.....	2,000

Expenses of the spring practice marches of the Second City Troop, five hundred dollars...	500
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Provided, That the City Controller shall countersign no warrants in this item in favor of the commanding officer of any company, unless it shall be certified to the City Controller by the Adjutant General of the State that the said company satisfactorily has passed the annual inspection provided by law: *Provided however*, That in the case of the companies of the Infantry Battalion, State Fencibles, the City Controller is authorized to accept the certificate of the Director of the Department of Public Safety, and also certified by the commanding officer of each company, that the money appropriated in said item for said company has been used and expended solely and exclusively for the support and maintenance, discipline and training of said company, for which he shall account by proper vouchers to the said City Controller: *Provided also*, That no appropriation shall be made for any subsequent year until the expenditures of the previous year have been duly and satisfactorily accounted for.

(b) Support and maintenance of the Old Guard of the Second Regiment Infantry, N. G. P. of Philadelphia, five hundred dollars.....	500
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(c) Support and maintenance, incidentals and other expenses of the Old Guard, Infantry Corps, N. G. P., five hundred dollars.....	500
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(d) Burial of indigent soldiers, sailors and ma- rines at \$50 as maximum allowance, twelve thousand five hundred dollars	12,500
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(e) Philadelphia County Fair Association, three thousand dollars	3,000
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Provided, That a certificate from the City Commissioners, properly signed by the commissioners appointed by them, shall be sufficient evidence of the payment of the same.

Total, forty-five thousand dollars.....	\$45,000
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Provided, That the City Controller may countersign warrants on Items 5b and c, 6 c, 33 b, 36 a, b, c, d, e, f, g, h, i, and j, 37 a and d, for bills of 1913: *Provided further*, That the City Commissioners shall draw no warrants for the pay of assessors or election officers in any divisions unless said assessors or election officers shall have returned the election laws and Bibles in good order to the office of said Commissioners, and the City Controller shall countersign no warrants for rent of rooms until he is satisfied that it is for the actual occupant of the premises at the time of the election: *Provided also*, That the said Commissioners shall prepare, under the supervision of the Committee of Finance, suitable specifications for all stationery, paper, printing and binding, fuel, advertising supplies, work and material required, and shall advertise for same in accordance with existing ordinances of Councils, excepting as hereinafter provided: *Provided further*, That instead of advertising for printing and binding election tickets and election blanks, printing assessors' lists and printing registrars' street lists, the said Commissioners may, from time to time, ask for written proposals for such work and materials from not less than three responsible parties doing business in Philadelphia. Contracts shall be awarded to the lowest responsible bidder, but only to such contractor or contractors who comply with the ordinance of Councils approved December 10, 1901, providing for the payment of the recognized rate of wages, hours of labor, etc.: *Provided further*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the City Commissioners in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Wharves,
Docks and Ferries, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and sixty thousand six hundred and sixty-five (160,665) dollars be, and the same is hereby appropriated to the Department of Wharves, Docks and Ferries, for the year 1914, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Director, ten thousand dollars	\$10,000
Assistant director, four thousand dollars.....	4,000
Secretary, two thousand five hundred dollars..	2,500
Stenographers, 4 at \$900 each, three thousand six hundred dollars	3,600
Messengers and clerks, 2 at \$900 each, one thou- sand eight hundred dollars.....	1,800
Telephone operator, six hundred dollars.....	600

(b) Fees of auctioneers, for selling wharf leases, five hundred dollars	500
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Total, twenty-three thousand dollars..... \$23,000

Item 2. *Services other than personal:*

(a) Carfare, transportation, freight, expressage, drayage, postage, communication, advertising, printing, stationery, special and miscellaneous service, and supplies, one thousand five hun- dred dollars	\$1,500
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(b) Care and maintenance of automobile, three hundred dollars	300
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Total, one thousand eight hundred dol-
lars..... \$1,800

FIXED CHARGES.

Item 3. Rent of department offices in Bourse,
four thousand three hundred and forty dollars \$4,340

ACCOUNTS AND STATISTICS.

OPERATION.

Item 4. *Personal services:*

Salaries:

Chief clerk, one thousand five hundred dollars	\$1,500
Special agent, two thousand dollars.....	2,000
Clerks, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Clerk, one thousand dollars	1,000

Total, eight thousand one hundred dollars \$8,100

CARE AND CONSTRUCTION.

OPERATION.

Item 5. *Personal services:*

(a) Salaries:

Harbor engineer, four thousand dollars.....	\$4,000
Assistant engineers, 2 at \$2,500 each, five thousand dollars	5,000
Assistant engineers, 3 at \$2,000 each, six thou- sand dollars	6,000
Assistant engineer, one thousand eight hundred dollars	1,800
Structural designer, two thousand two hundred dollars	2,200
Chief draughtsman, two thousand dollars.....	2,000
Draughtsmen, 3 at \$1,800 each, five thousand four hundred dollars	5,400
Draughtsman, one thousand five hundred dol- lars	1,500
Architect, one thousand eight hundred dollars.	1,800

Inspector, one thousand eight hundred dollars.	1,800
Inspector, one thousand five hundred dollars..	1,500
Inspector, one thousand two hundred dollars..	1,200
Inspectors, 2 at \$1,000 each, two thousand dollars	2,000
Inspectors, 9 at \$900 each, eight thousand one hundred dollars	8,100
Machinist, nine hundred dollars	900
Laborer, seven hundred and fifty dollars.	750

(b) Wages:

Repairs and alterations to City wharves, bulkheads, landings and recreation piers for men, when employed, as follows:

Inspector, at the rate of \$87.50 per month; ship carpenters, 3 at \$3.50 per day each; wharf builders, 2 at \$3.50 per day each; tin-smith, \$3 per day; laborer, \$2.50 per day, and laborers, 4 at \$2.25 per day each, five thousand dollars	5,000
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Total, fifty thousand nine hundred and fifty dollars	\$50,950
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Item 6. *Services other than personal:*

Removing ashes and refuse from City piers, one hundred and fifty dollars	\$150
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Item 7. *Supplies:*

Uniforms, 2 at \$40 each, eighty dollars.	\$80
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MAINTENANCE.

Item 8. *Services other than personal:*

Repairs and alterations to City wharves, bulkheads, landings and recreation piers, four thousand dollars	\$4,000
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INSPECTION AND PATROL.

Item 9. *Personal services:*

(a) Salaries:

Dockmaster, civil engineer, two thousand dollars	\$2,000
Dockmasters, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Chief wharfinger, one thousand eight hundred dollars	1,800
Wharfingers, 7 at \$1,000 each, seven thousand dollars	7,000
Special officer, seven hundred and twenty dollars	720
Watchmen, 2 at \$720 each, one thousand four hundred and forty dollars	1,440

Total, fifteen thousand three hundred and sixty dollars \$15,360

Item 10. *Supplies:*

Ten uniforms at \$40 each, four hundred dollars	\$400
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HARBOR CHANNELS.

OPERATION.

Item 11. *Personal services:*

(a) Salaries:

Superintendent of boats and dredges, two thousand five hundred dollars	\$2,500
Hydrographer, one thousand two hundred dollars	1,200
Leadsman, one thousand dollars	1,000
Recorder, seven hundred and eighty dollars	780
Tide observer, six hundred dollars	600
Gasoline engineer, eight hundred and forty dollars	840
Clerk and watchman, nine hundred dollars	900

(b) Temporary employees to operate City ice boats, thirteen thousand two hundred dollars..	13,200
(c) Temporary employees for inspection and survey boats, "Inspector" and "Eunomia," four thousand two hundred and sixty dollars..	4,260
(d) Temporary employees, City dredging plant, twenty-one thousand three hundred and thirty dollars	21,330

Total, forty-six thousand six hundred and ten dollars \$46,610

Item 12. *Services other than personal:*

Transportation, communication, printing and miscellaneous service and supplies, four hundred and thirty-five dollars.....	\$435
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Item 13. *Supplies:*

Fuel—gasoline for boat "Eunomia," two hundred and forty dollars.....	\$240
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MAINTENANCE.

Item 14. *Materials for repairs:*

Labor and materials for repairs to City ice boats, "Inspector," "Eunomia," and City dredging plant, five thousand dollars.....	\$5,000
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FIXED CHARGES.

Item 15. (a) Water rent for fire purposes, House of Correction Wharf, one hundred dollars	\$100
(b) Dues, Maritime Exchange, one hundred dollars	100

Total, two hundred dollars..... \$200

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall re-

main bona fide residents during such employment: *Provided further*, That the Director shall be allowed, when it is in his judgment to the best interests of the City, to purchase or contract, without advertising, bills not exceeding the sum of five hundred (500) dollars.

And warrants shall be drawn by the Director of the Department of Wharves, Docks and Ferries in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Mayor, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of four hundred and sixty thousand two hundred and forty (460,240) dollars be, and the same is hereby appropriated to the Mayor, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

Mayor, twelve thousand dollars.....	\$12,000
Secretary, six thousand dollars.....	6,000
Statistician, two thousand four hundred dollars	2,400
Chief clerk, two thousand dollars.....	2,000
Clerk, one thousand five hundred dollars.....	1,500
Confidential clerk and stenographer, one thousand two hundred dollars.....	1,200
Clerk, one thousand two hundred dollars.....	1,200

Stenographers, 2 at \$1,000 each. two thousand dollars	2,000
Messenger, one thousand two hundred dollars.	1,200
Chauffeur, one thousand two hundred dollars.	1,200
Messenger, eight hundred dollars.	800
Cleaners, 2 at \$360 each, seven hundred and twenty dollars	720
(b) Salaries and wages for extra help, one thousand dollars	1,000
(c) Loan and transfer agent, eighteen thousand dollars	18,000
(d) Reward for the detection of crime, upon the approval of the Presidents of Select and Common Councils, five hundred dollars.	500
Total, fifty-one thousand seven hundred and twenty dollars	\$51,720

Item 2. *Services other than personal:*

(a) Communication service, hire of vehicles, meals, hotel expenses, transportation, repairs, and towel supply, two thousand dollars.	\$2,000
(b) Advertising ordinances, twenty thousand dollars	20,000
(c) Advertising, miscellaneous, three thousand dollars	3,000

Provided, That in ordinance and miscellaneous advertising the rate for advertising ordinances shall not exceed ten (10) cents per line for papers that have a bona fide circulation up to and including 50,000; fifteen (15) cents per line for papers that have a circulation between 50,000 and 125,000; and twenty (20) cents per line for papers that have a circulation of over 125,000: *Provided further*, That all ordinances be printed in all the editions of the newspapers accepting such advertisement, in agate type.

(d) Storage, care and repairs of automobile, one thousand dollars	1,000
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Total, twenty-six thousand dollars..... \$26,000

Item 3. Special and miscellaneous expenses, one thousand dollars	\$1,000
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Item 4. Official entertaining, one thousand dollars	1,000
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FREE LIBRARY OF PHILADELPHIA.

Item 5.

(a) Salaries, one hundred thousand dollars....	\$100,000
(b) Rent, twenty-one thousand five hundred dollars	21,500
(c) Bindery, ten thousand dollars.....	10,000
(d) Electricity, three thousand five hundred dollars	3,500
(e) Insurance, two thousand dollars.....	2,000
(f) General expense, four thousand five hundred dollars	4,500
(g) Alterations and repairs, four thousand dollars	4,000
(h) Books, twenty-five thousand dollars.....	25,000
(i) Maintenance of fourteen completed Carnegie branches, eighty-seven thousand five hundred and twenty dollars.....	87,520
(j) Passyunk branch	6,000
(k) South Philadelphia branch.....	5,000

Total, two hundred and sixty-nine thousand and twenty dollars.....\$269,020

Provided, Payments be made in quarterly installments in advance: *Provided further*, That the minimum salary paid to library assistants shall be forty (40) dollars per month each, and to librarians in charge of branches, nine hundred (900) dollars each per annum: *Provided also*, that money appropriated shall be used for maintenance

as follows: Main library and branches: Free Library; Children's Department, Department of the Blind, Department of Public Documents (in Spring Garden Branch), Wagner Institute Branch, Broad and Federal Branch, Kensington Branch, McPherson Park Branch, Nicetown Branch, Paschallville Branch, H. Josephine Widener Branch, John Wanamaker Branch. Carnegie Branches: West Philadelphia Branch, Lehigh Avenue Branch, Frankford Branch, Facony Branch, Germantown Branch, Thomas Holme Branch, Spring Garden Branch, Wissahickon Branch, Manayunk Branch, Chestnut Hill Branch, Richmond Branch, Oak Lane Branch, Southwark Branch, Falls of Schuylkill Branch. Deposit Stations: Bustleton Traveling Library, Forty-ninth Street Traveling Library, St. Martha's House Deposit Station, Robert W. Ryerss Library and Museum, James W. Queen Memorial: *Provided further*, That no branches or stations shall be opened or maintained without the approval of Councils.

PHILADELPHIA MUSEUMS.

Item 6.

(a) Maintenance and repairs of museums, forty-two thousand dollars	\$42,000
(b) Care and improvement of grounds, one thousand dollars	1,000
(c) Allowance for extra labor, etc., in power house, required to furnish steam to Almshouse, as per request of Councils, three thousand dollars	3,000
Total, forty-six thousand dollars.....	\$46,000

Provided, Payments be made in quarterly installments in advance for maintenance, and for balance as bills are presented.

CONTRIBUTIONS.

Item 7. Pennsylvania Academy of the Fine Arts, twenty thousand dollars.....	\$20,000
<i>Provided</i> , Payments be made in quarterly in-	

stallments: *Provided further*, That 60,000 tickets be supplied to the Board of Education for the use of children of the public schools.

Item 8. Pennsylvania Museum and School of Industrial Art, thirty thousand dollars..... \$30,000

Provided, Payments be made in quarterly installments.

Item 9. Teachers' Annuity and Aid Association, ten thousand dollars..... \$10,000

Item 10. Free scholarships, University of Pennsylvania (cost of matriculation examination), five hundred dollars \$500

Item 11. Safe and sane Fourth of July, five thousand dollars \$5,000

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the Mayor in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirtieth day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to City Treasurer, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of nine million four hundred and seventy-nine thousand two hundred and ninety-seven (9,479,297) dollars and fifty (50)

cents be, and the same is hereby appropriated to the City Treasurer, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

(a) Salaries:

City Treasurer, ten thousand dollars.....	\$10,000 00
Assistant City Treasurer, five thousand dollars	5,000 00
Chief clerk, two thousand seven hundred and fifty dollars	2,750 00
Receiving teller, two thousand five hundred dollars	2,500 00
First assistant receiving teller, two thousand dollars	2,000 00
Second assistant receiving teller, one thousand six hundred dollars	1,600 00
Paying teller, two thousand two hundred and fifty dollars	2,250 00
First assistant paying teller, one thousand eight hundred dollars	1,800 00
Second assistant paying teller, one thousand five hundred dollars	1,500 00
Third assistant paying teller, one thousand two hundred dollars	1,200 00
Bookkeeper, two thousand two hundred and fifty dollars	2,250 00
First assistant bookkeeper, one thousand six hundred dollars	1,600 00
Second assistant bookkeeper, one thousand two hundred dollars	1,200 00
Warrant clerk, one thousand seven hundred dollars	1,700 00
First assistant warrant clerk, one thousand two hundred dollars	1,200 00
Second assistant warrant clerk, one thousand two hundred dollars	1,200 00

State clerk, two thousand five hundred dollars	2,500 00
First assistant State clerk, two thousand dollars	2,000 00
Second assistant State clerk, one thousand five hundred dollars	1,500 00
Third assistant State clerk, one thousand five hundred dollars	1,500 00
Fourth assistant State clerk, one thousand five hundred dollars	1,500 00
Clerk, one thousand five hundred dollars..	1,500 00
Messengers, 2 at \$1,100 each, two thousand two hundred dollars	2,200 00
Watchmen, 4 at \$900 each, three thousand six hundred dollars	3,600 00
Stenographer, nine hundred dollars	900 00
Telephone attendant, seven hundred and twenty dollars	720 00
Office messenger, seven hundred and twenty dollars	720 00
Janitor, nine hundred dollars	900 00
(b) Salaries and wages for extra help, one hundred and twenty-five dollars	125 00
Total, fifty-nine thousand four hundred and fifteen dollars	\$59,415 00

Item 2. *Services other than personal:*

(a) Transportation of persons, seventy-five dollars	\$75 00
(b) Subsistence of persons, four hundred and twenty-five dollars	425 00
(c) Communication service, six hundred dollars	600 00
(d) Printing, engraving and binding, five hundred and fifty dollars	550 00

(e) Advertising and publication of notices, ninety dollars	90 00
(f) Special and miscellaneous services, one hundred and fifty dollars	150 00
Total, one thousand eight hundred and ninety dollars	\$1,890 00

Item 3. *Supplies:*

(a) Stationery, three hundred dollars	\$300 00
(b) Cleaning and toilet, fifty dollars	50 00
(c) Special and miscellaneous, seven hundred dollars	700 00
Total, one thousand and fifty dollars..	\$1,050 00

FIXED CHARGES.

Item 4. *Redemption of loans and interest:*

(a) Redemption of loan (15th Series O of \$4,600,000 Loan authorized April 1, 1890, due November 1, 1914), two hundred and thirty thousand dollars	230,000 00
Redemption of loan (13th Series M of \$1,000,000 Loan authorized September 16, 1892, due December 31, 1914), fifty thousand dollars	50,000 00
Redemption of loan (12th Series L of \$3,500,000 Loan authorized February 6, 1893, due December 31, 1914), one hun- dred and seventy-five thousand dollars..	175,000 00
Redemption of loan (11th Series K of \$1,100,000 Loan authorized April 3, 1894, due December 31, 1914), fifty-five thousand dollars	55,000 00
Redemption of loan (11th Series K of \$3,000,000 Loan authorized April 3, 1894, due December 31, 1914), one hun- dred and fifty thousand dollars.....	150,000 00

Redemption of loan (11th Series K of \$2,720,000 Refunding Loan authorized November 8, 1894, due December 31, 1914), one hundred and thirty-six thousand dollars	136,000 00
Redemption of loan (10th Series J of \$1,200,000 Loan authorized June 18, 1895, due December 31, 1914), sixty thousand dollars	60,000 00
Redemption of loan (10th Series J of \$1,200,000 Refunding Loan of September 16, 1895, due December 31, 1914), sixty thousand dollars	60,000 00
Redemption of loan (10th Series J of \$1,000,000 Refunding Loan of December 10, 1895, due December 31, 1914), fifty thousand dollars	50,000 00
Total, nine hundred and sixty-six thousand dollars	\$966,000 00

(b) Sinking Fund:

\$6,000,000 Loan, two hundred and seventy-seven thousand five hundred dollars	277,500 00
\$2,000,000 Loan, one hundred and fifteen thousand dollars	115,000 00
\$650,000 Loan, thirty-seven thousand three hundred and seventy-five dollars	37,375 00
\$1,306,000 Loan, sixty-eight thousand five hundred and sixty-five dollars	68,565 00
\$11,200,000 Loan, seven hundred and seven thousand dollars	707,000 00
\$12,000,000 Loan, six hundred and ninety thousand dollars	690,000 00
\$5,000,000 Loan, two hundred and eighty-seven thousand five hundred dollars....	287,500 00
\$16,000,000 Loan, nine hundred and twenty thousand dollars	920,000 00

\$4,000,000 Loan, two hundred and four thousand six hundred and eighty-seven dollars and fifty cents	204,687 50
\$13,500,000 Loan, seven hundred and eighty thousand six hundred and twenty-five dollars	780,625 00
\$10,000,000 Loan, six hundred and twenty-five thousand dollars	625,000 00
\$3,500,000 Loan, two hundred and eighteen thousand seven hundred and fifty dollars	218,750 00
\$5,739,700 Loan, three hundred and fifty-eight thousand seven hundred and thirty-one dollars and twenty-five cents.....	358,731 25
\$5,000,000 Loan, three hundred and twelve thousand five hundred dollars	312,500 00
\$2,300,000 Loan, one hundred and forty-three thousand seven hundred and fifty dollars	143,750 00
\$9,750,000 Loan, six hundred and thirty-three thousand seven hundred and fifty dollars	633,750 00
\$4,225,000 Loan, two hundred and seventy-four thousand six hundred and twenty-five dollars	274,625 00
\$7,000,000 Loan, four hundred and fifty-five thousand dollars	455,000 00
\$2,200,000 Loan, one hundred and forty-three thousand dollars	143,000 00

Total, seven million two hundred and fifty-three thousand three hundred and fifty-eight dollars and seventy-five cents\$7,253,358 75

Provided, Payments for Sinking Fund be made quarterly in advance.

(d) Sinking fund on new loans, two hundred and forty thousand dollars.....\$240,000 00

(e) Interest:

Due May 1, 1914, twenty thousand seven hundred dollars	20,700 00
Due July 1, 1914, one hundred and twenty-three thousand and ninety-one dollars and eighty-eight cents	123,091 88
Due November 1, 1914, twenty thousand seven hundred dollars	20,700 00
Due January 1, 1915, one hundred and twenty-three thousand and ninety-one dollars and eighty-seven cents	123,091 87

Total, two hundred and eighty-seven thousand five hundred and eighty-three dollars and seventy-five cents..\$287,583 75

(f) Interest on new loans, one hundred and sixty thousand dollars\$160,000 00

(h) Maintenance indigent insane at State institutions, twenty thousand dollars..... 20,000 00

(i) State tax on City loans, two hundred and seventy-five thousand dollars 275,000 00

Pensions and retirement fund.

(j) Firemen's Pension Fund, for so much thereof as may be received from the Commonwealth of Pennsylvania on account of two per cent. premium paid by foreign insurance companies, forty thousand dollars..... 40,000 00

Total, nine million two hundred and forty-one thousand nine hundred and forty-two dollars and fifty cents..\$9,241,942 50

Item 5. For the payment of mandamuses, one hundred and seventy-five thousand dollars.... 175,000

The said amount to be refunded out of proposed permanent loan.

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United

States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the City Treasurer in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Board of Recreation,
for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of one hundred and thirty-three thousand nine hundred and eighty-seven (133,987) dollars be, and the same is hereby appropriated to the Board of Recreation, for the year 1914, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Executive secretary, three thousand dollars....	\$3,000
Stenographer, eight hundred dollars.....	800
Messenger, six hundred dollars	600
Principal, one thousand four hundred dollars..	1,400
Principals, 6 at \$1,200 each, seven thousand two hundred dollars	7,200
Assistant principals, 6 at \$1,000 each, six thou- sand dollars	6,000
Teacher, nine hundred and eighty dollars.....	980

Teachers, 19 at \$960 each, eighteen thousand two hundred and forty dollars.....	18,240
Assistant teachers, 31 at \$780 each, twenty-four thousand one hundred and eighty dollars...	24,180
Caretakers, 4 at \$800 each, three thousand two hundred dollars	3,200
Caretakers, 4 at \$720 each, two thousand eight hundred and eighty dollars.....	2,880
Assistant caretakers, 4 at \$600 each, two thousand four hundred dollars.....	2,400
Janitors, 7 at \$720 each, five thousand and forty dollars	5,040
Assistant janitors, 9 at \$600 each, five thousand four hundred dollars.....	5,400
Watchmen, 6 at \$720 each, four thousand three hundred and twenty dollars.....	4,320
Watchmen, 6 at \$600 each, three thousand six hundred dollars	3,600
Bath house caretakers, 24 at \$720 each, seventeen thousand two hundred and eighty dollars.....	17,280
(b) Temporary employees, piano players, teachers of swimming, etc., two thousand five hundred dollars	2,500
(c) Laborers, 2 at \$2 per day, one thousand two hundred and fifty-two dollars.....	1,252
(d) Cleaning office, three hundred dollars.....	300
Total, one hundred and ten thousand five hundred and seventy-two dollars.....	\$110,572

Item 2. *Services other than personal:* •

(a) Hire of vehicles, transportation and communication service, one hundred and seventy-five dollars	\$175
(b) Uniforms, 6, two hundred and forty dollars	240
(c) Printing, three hundred dollars.....	300

(d) Electric light for playgrounds, five thousand dollars	5,000
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Total, five thousand seven hundred and fifteen dollars	\$5,715
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Item 3. *Supplies:*

Water for Disston Playground, two hundred dollars	\$200
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MAINTENANCE.

Item 4. *Services other than personal:*

(a) General repairs for playground and bath houses, twelve thousand dollars	\$12,000
(b) Removing snow, etc., one thousand dollars..	1,000

Total, thirteen thousand dollars.....	\$13,000
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CAPITAL OUTLAY.

Item 5. *Equipment:*

(a) Play material, apparatus, appliances and appurtenances, three thousand dollars.....	\$3,000
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Item 6. Planting trees, shrubs, etc., one thousand five hundred dollars.....	\$1,500
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Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided further*, That for the payment of the salaries of the principals, assistant principals, teachers, assistant teachers, caretakers, assistant caretakers, janitors, assistant janitors, watchmen, special officers, and all other permanent or temporary employees embraced in Item 1, one warrant shall be drawn in the name of the executive secretary, and payment to said employees shall thereupon be made by such executive secretary: *And provided*, That the said Board shall be allowed, when they deem it to the best interest of

the City, to purchase or contract, without advertising, bills not exceeding the sum of five hundred (500) dollars.

And warrants shall be drawn by the Board of Recreation in accordance with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Art Jury, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of three thousand five hundred and fifty (3,550) dollars be, and the same is hereby appropriated to the Art Jury, for the year 1914, as follows:

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Secretary, two thousand dollars.....	\$2,000
Stenographer and clerk, nine hundred dollars	900

Total, two thousand nine hundred dollars. \$2,900

Item 2. *Services other than personal:*

(a) Transportation, hire of vehicles and traveling expenses, fifty dollars.....	\$50
(b) Hotel expenses, fifty dollars.....	50

(c) Communication services, fifty dollars.....	50
(d) Printing, engraving, lithographing and binding, three hundred and fifty dollars.....	350
Total, five hundred dollars.....	\$500

Item 3. *Supplies:*

(a) Stationery, fifty dollars.....	\$50
(b) Miscellaneous, fifty dollars.....	50
Total, one hundred dollars.....	\$100

Item 4. *Equipment:*

Books and periodicals for library, fifty dollars \$50

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of this City at least one year prior to their employment, and shall remain bona fide residents during such employment.

And warrants shall be drawn by the President of the Art Jury in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of City Transit, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two hundred and fifty-four thousand five hundred and thirty

(254,530) dollars be, and the same is hereby appropriated to the Department of City Transit, for the year 1914, as follows:

(a) Salaries:

ADMINISTRATION.

Item 1. *Personal services:*

Director, ten thousand dollars	\$10,000
Assistant Director, four thousand dollars....	4,000
Secretary, two thousand five hundred dollars..	2,500
Clerk and accountant, one thousand four hundred dollars	1,400
Filing clerk and librarian, one thousand two hundred and fifty dollars	1,250
Stenographer, one thousand two hundred dollars	1,200
Chauffeur, one thousand dollars	1,000
Messengers, 2 at \$900 each, one thousand eight hundred dollars	1,800
Office boy, four hundred and eighty dollars...	480

ENGINEERING DEPARTMENT.

Chief engineer, six thousand dollars.....	6,000
Assistant engineer on designs, three thousand six hundred dollars	3,600
Assistant engineer in field, three thousand dollars	3,000
Assistant engineer on specifications, one thousand eight hundred dollars	1,800
Assistant engineer on specifications, one thousand five hundred dollars	1,500
Head draughtsman, two thousand seven hundred dollars	2,700
Inspector on designs, two thousand seven hundred dollars	2,700
Assistant engineer (squad bosses), 4 at \$2,200	

each per annum, eight thousand eight hundred dollars	8,800
Assistant engineers (squad bosses), 4 at \$2,000 each per annum, eight thousand dollars....	8,000
Architectural draughtsman and engineer, one thousand eight hundred dollars	1,800
Electrical engineer, one thousand eight hundred dollars	1,800
Assistant engineers (transitmen), 5 at \$1,500 each, seven thousand five hundred dollars...	7,500
Checker, two thousand four hundred dollars...	2,400
Checkers, 2 at \$1,800 each per annum, three thousand six hundred dollars	3,600
Rodmen, 10 at \$960 each, nine thousand six hundred dollars	9,600
Chainmen, 10 at \$720 each, seven thousand two hundred dollars	7,200
Tracers, 4 at \$600 each, two thousand four hundred dollars	2,400
Draughtsmen, 12 at \$1,000 each, twelve thousand dollars	12,000
Draughtsmen, 12 at \$1,200 each, fourteen thousand four hundred dollars	14,400
Draughtsmen, 12 at \$1,400 each, sixteen thousand eight hundred dollars	16,800
Draughtsmen, 10 at \$1,500 each, fifteen thousand dollars	15,000
Draughtsmen, 12 at \$1,600 each, nineteen thousand two hundred dollars	19,200
Draughtsmen, 12 at \$1,800 each, twenty-one thousand six hundred dollars	21,600
Stenographer, one thousand two hundred dollars	1,200
Stenographer, one thousand dollars	1,000
Clerks or stenographers, 3 at \$1,100 each, three thousand three hundred dollars	3,300

Clerks or stenographers, 3 at \$900 each, two thousand seven hundred dollars	2,700
Photographer, one thousand four hundred dollars	1,400
Assistant photographer, one thousand two hundred dollars	1,200
Filing clerk, one thousand two hundred dollars	1,200
Filing clerk, one thousand dollars.....	1,000
Total, two hundred and ten thousand and thirty dollars	\$210,030

OPERATION.

Item 2.

Stamps, telephone, telegraph, express and messenger service, one thousand dollars.....	\$1,000
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MAINTENANCE.

Item 3.

(a) Maintenance of automobile, five hundred dollars	\$500
(b) Transportation, five hundred dollars.....	500
(c) Rent of offices in Bourse, nine thousand dollars	9,000

Total, ten thousand dollars..... \$10,000

CAPITAL OUTLAY.

Item 4.

Borings and securing data, two thousand dollars	\$2,000
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Item 5.

Consulting engineers, thirty thousand dollars.. \$30,000

Provided, That the Director of the Department of City Transit be authorized to enter into a contract with Ford, Bacon & Davis for said

amount for a period of six months for such expert service as he may deem necessary.

Item 6.

Reports, maps, plans, specifications, compiling, coloring, one thousand five hundred dollars.. \$1,500

SECT. 2. That the Director of the Department of City Transit shall be allowed, when it is in his judgment for the best interests of the City, to purchase or contract, without advertising, bills not exceeding five hundred (500) dollars:

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided further*, That before the City Controller shall countersign any warrant for the payment of wages or salaries for any employees in this Department, he shall require an affidavit from the Director that said employees actually were performing the work for which they were appointed, and were taken from the eligible lists certified by the Civil Service Commission for such character of work.

Warrants shall be drawn by the Director of the Department of City Transit in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Health and Charities, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of nine hundred and three thousand nine hundred and ninety (903,990) dollars be, and the same is hereby appropriated to the Department of Public Health and Charities, for the year 1914, as follows:

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department, the sum of eighty-seven thousand eight hundred and thirty (87,830) dollars is for the expenses of the Director's Office, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Director, ten thousand dollars.....	\$10,000
Assistant director and superintendent of Byberry Farms (who shall be a graduate in medicine, licensed by the State Medical Board and a practitioner for five years), four thousand dollars	4,000
Chief clerk, two thousand five hundred dollars	2,500
Agent for the prevention of diseases, one thousand five hundred dollars.....	1,500
Clerk, one thousand eight hundred dollars....	1,800
Support clerk, one thousand six hundred and fifty dollars	1,650
Confidential clerk and stenographer, one thousand three hundred dollars.....	1,300
Assistant clerk, one thousand dollars.....	1,000

Clerk, one thousand dollars.....	1,000
Miscellaneous clerk, eight hundred dollars....	800
Children's agent, one thousand three hundred and fifty dollars	1,350
Special agent, one thousand two hundred dol- lars	1,200
Assistant special agent, one thousand dollars..	1,000
Stenographer and typewriter, one thousand dol- lars	1,000
Stenographer and typewriter, seven hundred and twenty dollars	720
Telephone operator, six hundred dollars.....	600
Messenger and janitor, eight hundred dollars.	800
Cleaner, three hundred and sixty dollars.....	360
Chauffeur, nine hundred dollars.....	900

Total, thirty-three thousand four hundred
and eighty dollars \$33,480

Item 2. *Services other than personal:*

(a) Transportation, expressage and removal of non-residents, meals, communication service, advertising and miscellaneous, one thousand seven hundred dollars	1,700
(b) Maintenance of automobile, five hundred dol- lars	500

Total, two thousand two hundred dollars.. \$2,200

Item 3. *Supplies:*

Newspapers and medical journals, one hundred and fifty dollars	\$150
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FIXED CHARGES.

Item 4. *Support:*

(a) Support of feeble-minded children at Penn- sylvania Training School for Feeble-Minded at Elwyn, or elsewhere, thirty thousand dollars. \$30,000	
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(b) Maintenance of children in various homes, as directed by Act of Assembly approved June 13, 1883, fifteen thousand dollars.....	15,000
(c) Temporary provision for homeless persons, one thousand dollars	1,000
(d) Maintaining at Home for Aged Veterans and Wives, Sixty-fifth and Vine streets, veterans of the War of the Rebellion and their wives, who are now or may hereafter be in the Home for the Indigent; said amount to be paid quarterly, two thousand five hundred dollars.....	2,500
(e) Care and keep of children on City piers during heated term—wages and supplies, one thousand dollars	1,000
(f) Boarding out foundlings, two thousand five hundred dollars	2,500.
Total, fifty-two thousand dollars.....	\$52,000

BUREAU OF HEALTH.

SECT. 2. Of the amount appropriated to this Department, the sum of three hundred and sixty-one thousand six hundred and eighty (361,680) dollars is for the expenses of the Bureau of Health, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief of bureau, four thousand dollars.....	\$4,000
Chief clerk, two thousand dollars.....	2,000
Assistant engineer, one thousand eight hundred dollars	1,800
First assistant clerk, one thousand five hundred dollars	1,500

Stenographer and typewriter, one thousand dollars ..	1,000
Messenger, eight hundred dollars.....	800
Cleaners, 3 at \$360 each, one thousand and eighty dollars	1,080
Total, twelve thousand one hundred and eighty dollars	\$12,180

Item 2. *Services other than personal:*

(a) Maintenance of automobile, five hundred dollars	\$500
(b) Postage, one thousand dollars.....	1,000
(c) Miscellaneous, two hundred dollars.....	200
Total, one thousand seven hundred dollars	\$1,700

Item 3. *Supplies:*

Miscellaneous, two hundred dollars.....	\$200
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MEDICAL INSPECTION.

OPERATION.

Item 4. *Personal services:*

Salaries:

Chief medical inspector, four thousand dollars	\$4,000
Assistant chief medical inspector, two thousand four hundred dollars	2,400
Assistant medical inspectors, 51 at \$1,400 each, seventy-one thousand four hundred dollars..	71,400

At least ten of these inspectors shall be physicians of the homœopathic school of practice: *Provided*, That when no homœopathic physician can be secured in any ward the Director shall be authorized to appoint an allopathic physician.

Diagnostician and consultant, two thousand five hundred dollars	2,500
Assistant diagnostician and consultant, two thousand dollars	2,000
Chief disinfecter, one thousand four hundred dollars	1,400
Assistant disinfectors, 10 at \$1,000 each, ten thousand dollars	10,000
Clerk to chief medical inspector, one thousand five hundred dollars	1,500
Assistant clerk to chief medical inspector, one thousand two hundred dollars.....	1,200
Assistant clerks, 11 at \$1,000 each, eleven thousand dollars	11,000
Record clerk, one thousand dollars.....	1,000
Stenographer and typewriter, one thousand dollars	1,000

Total, one hundred and nine thousand four hundred dollars\$109,400

Item 5. *Services other than personal:*

(a) Board of horses and care of vehicles for disinfection, two thousand dollars.....	\$2,000
(b) Horseshoeing, five hundred dollars.....	500
(c) Maintenance of automobiles (2), one thousand dollars	1,000

Total, three thousand five hundred dollars. \$3,500

MAINTENANCE.

Item 6. *Services other than personal:*

Repairs to wagons, vehicles and harness, five hundred dollars	\$500
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CHILD HYGIENE.

OPERATION.

Item 7. *Personal services:*

(a) Salaries:

Ophthalmologist, two thousand dollars.....	\$2,000
Attendant, eye dispensary, eight hundred dollars	800
Supervising nurse, one thousand two hundred dollars	1,200
City nurses, 8 at \$900 each, seven thousand two hundred dollars	7,200
Chief of dental dispensary, two thousand five hundred dollars	2,500
Assistant dentists, 12 at \$700 each, eight thousand four hundred dollars.....	8,400
Attendant, dental dispensary, eight hundred dollars	800

(b) Wages: Relief of children in congested districts during the heated term, one thousand eight hundred dollars.....	1,800
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Total, twenty-four thousand seven hundred dollars

\$24,700

Item 8. *Supplies:*

(a) Relief of children in congested districts during the heated term, seven hundred dollars....	\$700
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(b) Miscellaneous, two hundred dollars.....	\$200
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Total, nine hundred dollars.....

\$900

LABORATORY.

OPERATION.

Item 9. *Personal services:*

Salaries:

Chief bacteriologist, two thousand dollars....	\$2,000
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First assistant bacteriologist, two thousand dollars	2,000
Second assistant bacteriologist, one thousand five hundred dollars	1,500
Third assistant bacteriologists, 2 at \$1,400 each, two thousand eight hundred dollars	2,800
Fourth assistant bacteriologists, 2 at \$1,000 each, two thousand dollars	2,000
Helpers, 5 at \$600 each, three thousand dollars	3,000
Cleaners, 2 at \$480 each, nine hundred and sixty dollars	960
Cleaner, three hundred and sixty dollars	360
First assistant, antitoxin laboratory, one thousand dollars	1,000
Helper, antitoxin laboratory, eight hundred dollars	800
Hostler, nine hundred dollars	900
Assistant hostler, seven hundred and twenty dollars	720
Collector of specimens, one thousand dollars . .	1,000
Clerk, seven hundred and twenty dollars	720
Chemist, two thousand dollars	2,000
Assistant clerk, one thousand two hundred dollars	1,200
Cleaner, antitoxin laboratory, six hundred dollars	600
Total, twenty-three thousand five hundred and sixty dollars	\$23,560

VITAL STATISTICS.

OPERATION.

Item 10. *Personal services:*

Salaries:

Chief of division, one thousand seven hundred and fifty dollars	\$1,750
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Collector of vital statistics, 2 at \$1,000 each, two thousand dollars	2,000
Registration clerks, 9 at \$1,000 each, nine thousand dollars	9,000
Total, twelve thousand seven hundred and fifty dollars	\$12,750

SANITARY INSPECTION.

OPERATION.

Item 11. *Personal services:*

(a) Salaries:

Chief sanitary inspector, three thousand dollars	\$3,000
Chief inspector, house drainage, two thousand four hundred dollars	2,400
Chief inspector of nuisances, one thousand nine hundred dollars	1,900
Assistant to chief inspector of nuisances, one thousand five hundred dollars.....	1,500
Assistant inspectors, house drainage, 14 at \$1,300 each, eighteen thousand two hundred dollars	18,200
Assistant nuisance inspectors, 27 at \$1,100 each, twenty-nine thousand seven hundred dollars	29,700
Inspectors of privy cleaning, 2 at \$1,000 each, two thousand dollars	2,000
Clerk, one thousand three hundred dollars....	1,300
Permit clerk, one thousand two hundred dollars	1,200
Clerk to chief inspector of nuisances, one thou- sand dollars	1,000
Stenographer and typewriter, one thousand dol- lars	1,000
Stenographer and typewriter, nine hundred dol- lars	900
Stenographer and typewriter, seven hundred and twenty dollars	720

(b) Fees for examiners (executing plumbers' registration act), \$5 per day, two hundred and fifty dollars	250
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Total, sixty-five thousand and seventy dollars \$65,070

Item 12. *Services other than personal:*

Abatement of nuisances, five thousand dollars \$5,000

Item 13. *Supplies:*

Miscellaneous, three hundred dollars..... \$300

FOOD INSPECTION.

OPERATION.

Item 14. *Personal services:*

Salaries:

Chief inspector of milk, one thousand nine hundred dollars \$1,900

Assistant inspectors of milk, 16 at \$1,020 each, sixteen thousand three hundred and twenty dollars 16,320

Chief meat and cattle inspector, one thousand three hundred and fifty dollars..... 1,350

Assistant meat and cattle inspectors, 7 at \$1,000 each, seven thousand dollars 7,000

Total, twenty-six thousand five hundred and seventy dollars \$26,570

HOSPITAL CONTAGIOUS DISEASES.

OPERATION.

Item 15. *Personal services:*

(a) Salaries:

Superintendent, three thousand dollars..... \$3,000

Chief clerk, one thousand two hundred dollars 1,200

Chief resident physician, three thousand dollars	3,000
First assistant resident physicians, 2 at \$1,200 each, two thousand four hundred dollars....	2,400
Second assistant resident physicians, 2 at \$800 each, one thousand six hundred dollars.....	1,600
Supervising nurse, one thousand four hundred dollars	1,400
Head nurses, 3 at \$900 each, two thousand seven hundred dollars	2,700
Head nurses (night), 2 at \$780 each, one thousand five hundred and sixty dollars.....	1,560
Druggist, six hundred dollars	600
Butcher, nine hundred dollars	900
Housekeepers, 2 at \$600 each, one thousand two hundred dollars	1,200
Chief engineer, one thousand eight hundred dollars	1,800
Engineers, 4 at \$1,000 each, four thousand dollars	4,000
Foreman, one thousand dollars.....	1,000
Dietician, seven hundred and twenty dollars...	720
Clerks, 2 at \$720 each, one thousand four hundred and forty dollars.....	1,440
Plumber, one thousand one hundred dollars...	1,100
Head laundryman, one thousand two hundred dollars	1,200
Mechanician and chauffeur, one thousand two hundred dollars	1,200
Chauffeurs, 4 at \$900 each, three thousand six hundred dollars	3,600
(b) Salaries and wages for extra help, for pay of cooks, nurses, farmers, gardeners, drivers, firemen, painters, carpenters, plumbers, mechanics, disinfectors, electrical workers, telephone operators, coal passers, hostlers, assistant clerks, stenographers, oilers, miscellaneous helpers and	

laborers at Philadelphia Hospital for Contagious Diseases, twenty thousand dollars..... 20,000

Total, fifty-five thousand six hundred and twenty dollars..... \$55,620

Item 16. *Services other than personal:*

Horseshoeing, two hundred and fifty dollars... \$250

Item 17. *Supplies:*

Gas for fuel, one thousand dollars..... \$1,000

MAINTENANCE.

Item 18. *Services other than personal:*

(a) Maintenance and repairs to ambulances, automobiles, wagons and harness, one thousand dollars..... \$1,000

(b) Repairs and improvements to buildings, roads, grounds and machinery at Philadelphia Hospital for Contagious Diseases, one thousand dollars..... 1,000

Total, two thousand dollars..... \$2,000

TENEMENT HOUSE INSPECTION.

OPERATION.

Item 19. *Personal services:*

Salaries:

Chief inspector, two thousand six hundred dollars..... \$2,600

Assistant inspectors, 5 at \$1,200 each, six thousand dollars..... 6,000

Clerk, one thousand two hundred dollars..... 1,200

Stenographer and typewriter, one thousand dollars..... 1,000

Clerk and stenographer, seven hundred and twenty dollars	720
Cleaner, three hundred and sixty dollars.....	360

Total, eleven thousand eight hundred and eighty dollars \$11,880

Item 20. *Services other than personal:*

(a) Postage, three hundred dollars.....	\$300
(b) New carpets, one hundred dollars.....	100

Total, four hundred dollars..... \$400

HEALTH OFFICER.

OPERATION.

Item 21. *Personal services:*

Salaries:

Health officer, two thousand one hundred dollars	\$2,100
Chief clerk to health officer, one thousand two hundred dollars	1,200
Assistant clerk to health officer, nine hundred dollars	900

Total, four thousand two hundred dollars \$4,200

BUREAU OF CHARITIES.

SECT. 3. Of the amount appropriated to this Department, the sum of four hundred and fifty-four thousand four hundred and eighty (454,480) dollars is for the expenses of the Bureau of Charities, as follows:

EXECUTIVE.

Item 1. *Personal services:*

Salaries:

Superintendent, three thousand dollars.....	\$3,000
Chief clerk, one thousand six hundred dollars..	1,600

Clerks, 4 at \$900 each, three thousand six hundred dollars	3,600
Clerks, 4 at \$800 each, three thousand two hundred dollars	3,200
House agent, one thousand four hundred dollars	1,400
House agent's clerk, eight hundred dollars...	800
Visitor, seven hundred and fifty dollars.....	750
Stenographer and typewriter, seven hundred and twenty dollars	720
Captain of hall, six hundred dollars.....	600
Doorkeeper, six hundred dollars	600
Watchman, six hundred dollars.....	600
Special officer, one thousand dollars.....	1,000
Housekeeper, six hundred dollars.....	600
Cook, seven hundred and twenty dollars.....	720
Assistant cook, four hundred and twenty dollars	420
Messengers, 2 at \$420 each, eight hundred and forty dollars	840
Messengers, 2 at \$300 each, six hundred dollars	600
Assistant doorkeeper, three hundred dollars...	300
Watchmen, 3 at \$400 each, one thousand two hundred dollars	1,200
Head waitress, two hundred and sixteen dollars	216
Waitresses, 4 at \$192 each, seven hundred and sixty-eight dollars	768
Telephone operator, three hundred dollars....	300
Messenger, three hundred and sixty dollars....	360
Runner, one hundred and eighty dollars.....	180
Runner, one hundred and twenty dollars.....	120
Helper, one hundred and ninety-two dollars..	192
Helper, one hundred and sixty-eight dollars..	168
Helper, one hundred and forty-four dollars..	144
Helpers, 2 at \$84 each, one hundred and sixty-eight dollars	168

Helpers, 3 at \$60 each, one hundred and eighty dollars	180
Helper, forty-eight dollars	48

Total, twenty-five thousand three hundred and ninety-four dollars \$25,394

Item 2. *Services other than personal:*

(a) Traveling expenses, house agent, etc., four hundred dollars	\$400
(b) Special and miscellaneous services, one thousand dollars	1,000

Total, one thousand four hundred dollars \$1,400

FIXED CHARGES.

Item 3. Burial cases, two hundred dollars	\$200
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GENERAL STORE SERVICE.

OPERATION.

Item 4. *Personal services:*

Salaries:

Storekeeper, one thousand four hundred dollars	\$1,400
Storekeeper's clerk, one thousand dollars	1,000
Assistant storekeeper's clerk, eight hundred and fifty dollars	850
Storekeeper's clerk, three hundred dollars	300
Storekeeper's clerk, one hundred and eighty dollars	180
Bookkeeper, four hundred and eighty dollars	480
Foreman of bakers, eight hundred dollars	800
Bakers, 4 at \$624 each, two thousand four hundred and ninety-six dollars	2,496
Butcher, three hundred dollars	300
Shoe repairer, two hundred and sixteen dollars	216
Runner, one hundred and twenty dollars	120

Helper, one hundred and twenty dollars.....	120
Helpers, 2 at \$216 each, four hundred and thirty-two dollars	432
Helper, sixty dollars	60
Total, eight thousand seven hundred and fifty-four dollars	\$8,754

LAUNDRY SERVICE.

OPERATION.

Item 5. *Personal services:*

Salaries:

Manager of laundry, one thousand two hundred dollars	\$1,200
Machine laundryman, six hundred dollars.....	600
Machine laundrymen, 3 at \$360 each, one thousand and eighty dollars.....	1,080
Forewoman of laundry, four hundred and twenty dollars	420
Forewoman of laundry, two hundred and sixteen dollars	216
Forewomen of laundry, 2 at \$210 each, four hundred and twenty dollars	420
Laundresses, 4 at \$240 each, nine hundred and sixty dollars	960
Laundress, two hundred and twenty-eight dollars	228
Laundress, two hundred and twelve dollars....	212
Porter, three hundred dollars.....	300
Laundress, three hundred dollars.....	300
Laundresses, 2 at \$192 each, three hundred and eighty-four dollars	384
Laundresses, 2 at \$180 each, three hundred and sixty dollars	360
Helpers, 3 at \$120 each, three hundred and sixty dollars	360

Helper, eighty-four dollars.....	84
Helper, sixty dollars	60
Helper, twenty-four dollars.....	24

Total, seven thousand two hundred and
eight dollars \$7,208

MAINTENANCE.

Item 6. *Services other than personal:*

Special and miscellaneous repairs and alterations to laundry, five hundred dollars..... \$500

AMBULANCE SERVICE.

Item 7. *Personal services:*

Salaries:

Foreman, eight hundred dollars.....	\$800
Chauffeurs, 2 at \$900 each, one thousand eight hundred dollars	1,800
Ambulance drivers, 4 at \$720 each, two thousand eight hundred and eighty dollars.....	2,880
Helpers, 3 at \$60 each, one hundred and eighty dollars	180
Helpers, 3 at \$48 each, one hundred and forty-four dollars	144
Helper, thirty-six dollars	36

Total, five thousand eight hundred and
forty dollars \$5,840

MAINTENANCE.

Item 8. *Services other than personal:*

- (a) Repairs to automobiles, auto trucks and ambulances, three thousand five hundred dollars.. \$3,500
- (b) Repairs to harness and wagons and horseshoeing, one thousand five hundred dollars..... 1,500

Total, five thousand dollars..... \$5,000

Supplies:

Item 9. Uniforms	\$100
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MANUFACTURING.

OPERATION.

Item 10. *Personal services:*

Salaries:

Overseer, one thousand two hundred dollars . . .	\$1,200
Bookkeeper, one thousand dollars	1,000
Chief engineer and electrician, one thousand five hundred dollars	1,500
Engineers, 5 at \$1,000 each, five thousand dol- lars	5,000
Firemen, 4 at \$480 each, one thousand nine hundred and twenty dollars	1,920
Foreman of painters, one thousand dollars	1,000
Foreman of carpenters, one thousand dollars . . .	1,000
Foreman of steamfitters, eight hundred dollars.	800
Foreman of plumbers, one thousand dollars . . .	1,000
Foreman of tinsmiths, one thousand dollars . . .	1,000
Clerk and foreman of printers, one thousand dollars	1,000
Foreman of yard gang, three hundred dollars . .	300
Gardener, five hundred dollars	500
Cook, seven hundred and twenty dollars	720
Assistant cook, four hundred and twenty dollars	420
Gatekeepers, 8 at \$108 each, eight hundred and sixty-four dollars	864
Draughtsman, three hundred dollars	300
Barbers, 2 at \$216 each, four hundred and thirty-two dollars	432
Helpers, 2 at \$144 each, two hundred and eighty-eight dollars	288
Helper, one hundred and twenty dollars	120
Helpers, one thousand four hundred and forty dollars	1,440

Bricklayers, \$3.80 per day; plasterers, \$3.60 per day; stonemasons, \$4 per day; machinists, \$3.50 per day; carpenters, \$3.20 per day; blacksmiths, \$3.20 per day; electricians, \$3.20 per day; electricians' helpers, \$2.25 per day; painters, \$3 per day; steamfitters, \$3 per day; plumbers, \$3 per day; tinsmiths, \$2.80 per day; laborers, \$2.50 per day; laborers, \$2.25 per day; laborers, \$2 per day; laborers, \$1.92 per day; laborers, \$1.75 per day; laborers, \$1.32 per day; laborers, \$1 per day, seventy-five thousand dollars..... 75,000

Total, ninety-six thousand eight hundred and four dollars \$96,804

Item 11. *Services other than personal:*

(a) Removal of ashes, one thousand dollars..... \$1,000
 (b) Repairing shoes, five hundred dollars..... 500

Total, one thousand five hundred dollars.. \$1,500

Item 12. *Supplies:*

Gas for fuel, one thousand five hundred dollars \$1,500

MAINTENANCE.

Item 13. *Services other than personal:*

(a) Repairs to engines and boilers, one thousand dollars \$1,000
 (b) Repairs to roofs, including new spouting, three hundred dollars 300
 (c) Pipe covering, two thousand four hundred dollars 2,400

Total, three thousand seven hundred dollars \$3,700

HOME FOR INDIGENT.

OPERATION.

Item 14. *Personal services:*

Salaries:

Captain of out-wards, nine hundred dollars...	\$900
Farmer, six hundred dollars.....	600
Caretaker, seven hundred and twenty dollars..	720
Dining-room man, four hundred and twenty dollars	420
Watchmen, 2 at \$480 each, nine hundred and sixty dollars	960
Cook, four hundred and twenty dollars.....	420
Assistant cook, two hundred and forty dollars.	240
Matron, four hundred and eighty dollars.....	480
Matron, six hundred and eighty dollars.....	680
Attendants, 3 at \$40 per month each, one thousand four hundred and forty dollars....	1,440
Attendants, female, 4 at \$300 each, one thousand two hundred dollars.....	1,200
Attendants, female, 3 at \$144 each, four hundred and thirty-two dollars.....	432
Day assistant, two hundred and forty dollars..	240
Assistant night nurse, four hundred and twenty dollars	420
Assistant cook, four hundred and twenty dollars	420
Chambermaid, two hundred and sixteen dollars	216
Runner, one hundred and eighty dollars.....	180
Runner, one hundred and twenty dollars.....	120
Orderly, two hundred and forty dollars.....	240
Helpers, one thousand five hundred and thirty-six dollars	1,536

Total, eleven thousand eight hundred and sixty-four dollars \$11,864

Supplies:

Item 15. Water supply, five hundred dollars... \$500

PHILADELPHIA GENERAL HOSPITAL.

OPERATION.

Item 16. *Personal services:*

(a) Salaries:

Chief resident physician, four thousand dollars	\$4,000
Assistant chief resident physician, one thousand five hundred dollars	1,500
Assistant resident physicians, 3 at \$720 each, two thousand one hundred and sixty dollars.	2,160
Secretary to medical staff, one hundred dollars	100
Hospital clerk, seven hundred dollars.....	700
Hospital clerks, 2 at \$480 each, nine hundred and sixty dollars	960
Hospital clerk, three hundred and sixty dollars	360
Director, pathological and bacteriological laboratory, one thousand dollars.....	1,000
Assistant, pathological and bacteriological laboratory, seven hundred and twenty dollars..	720
Director, Roentgen-Ray laboratory, five hundred dollars	500
Operator, Roentgen-Ray laboratory, one thousand dollars	1,000
Chief nurse, one thousand four hundred dollars	1,400
Assistant chief nurse, nine hundred dollars...	900
Second assistant chief nurse, seven hundred and twenty dollars	720
Supply nurse, seven hundred and twenty dollars	720
Housekeeper, seven hundred and twenty dollars	720
Head cook, seven hundred and twenty dollars.	720
Assistant cook, four hundred and eighty dollars	480
Assistant cook, two hundred and forty dollars	240
Instructor of children, four hundred and eighty dollars	480
Special officer, four hundred and eighty dollars	480

Apothecary, one thousand two hundred dollars	1,200
First assistant apothecary, eight hundred dollars	800
Second assistant apothecary, seven hundred dollars	700
Third assistant apothecary, six hundred dollars	600
Night clerk, five hundred dollars	500
Cook, two hundred and forty dollars	240
Runner, one hundred and eighty dollars	180
Runners, 2 at \$120 each, two hundred and forty dollars	240
Helpers, 3 at \$144 each, four hundred and thirty-two dollars	432
Helpers, 3 at \$120 each, three hundred and sixty dollars	360
Head nurses, 24, not exceeding \$600 each, fourteen thousand four hundred dollars	14,400
Pupil nurses, 150 at \$108 each, sixteen thousand two hundred dollars	16,200
Assistant female nurses, 3 at \$216 each, six hundred and forty-eight dollars	648
Assistant male nurses, 3 at \$216 each, six hundred and forty-eight dollars	648
Assistant male nurse, one hundred and twenty dollars	120
Orderlies, 34, not exceeding \$300 each, seven thousand three hundred and forty-four dollars	7,344
Waitresses, 12 at \$192 each, two thousand three hundred and four dollars	2,304
Stretcher bearers, 6 at \$108 each, six hundred and forty-eight dollars	648
Attendants, 40 at not more than \$600 each, fourteen thousand dollars	14,000
Male cleaners, 12 at \$216 each, two thousand five hundred and ninety-two dollars	2,592

Female cleaners, 20 at \$144 each, two thousand eight hundred and eighty dollars.....	2,880
Clerk, two hundred and eighty-eight dollars..	288
Helpers, two thousand two hundred and twenty dollars	2,220
(b) Fees for course in diet cooking, three hundred and sixty dollars	360
(c) Examination of insane cases, two thousand eight hundred dollars	2,800
Total, ninety-two thousand five hundred and sixty-four dollars	\$92,564

Item 17. *Supplies:*

(a) Supplies for orthopaedic department, five hundred dollars	\$500
(b) Uniforms for nurses, four thousand five hundred dollars	4,500
Total, five thousand dollars	\$5,000

MAINTENANCE.

Item 18. *Services other than personal:*

(a) Repairs to surgical instruments, two thousand dollars	\$2,000
(b) Maintenance of orthopaedic department apparatus and instruments, five hundred dollars.	500
Total, two thousand five hundred dollars..	\$2,500

CAPITAL OUTLAY.

Item 19. *Equipment:*

(a) Purchasing and binding of books, two hundred dollars	\$200
(b) Card index for pathological department, two hundred dollars	200
(c) Erection of tents or shacks for measles, whooping cough and consumption, one thousand dollars	1,000

(d) Enlargement of dining room (men's tubercular), one thousand dollars	1,000
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Total, two thousand four hundred dollars	\$2,400
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Item 20. *Structures:*

Fireproof stairway in hospital department, six thousand dollars	\$6,000
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CARE OF INSANE.

OPERATION.

Item 21. *Personal services:*

(a) Salaries:

Chief resident physician, two thousand seven hundred dollars	\$2,700
Assistant physicians, 2 at \$1,000 each, two thousand dollars	2,000
Assistant physicians, 2 at \$800 each, one thousand six hundred dollars	1,600
Clinical assistant physicians, 1 at \$740; 1 at \$700, and 2 at \$600 each, two thousand six hundred and forty dollars	2,640
Stenographer and clerk, seven hundred and twenty dollars	720
Stenographers, 2 at \$600 each, one thousand two hundred dollars	1,200
Stenographer, five hundred and forty dollars..	540
Stenographer, four hundred and eighty dollars.	480
Hospital clerk, five hundred dollars.....	500
Storekeeper, three hundred and ninety-six dollars	396
Office assistant, three hundred and sixty dollars	360
Laboratory worker, three hundred and sixty dollars	360
Male supervisor, nine hundred dollars.....	900
Female supervisor, nine hundred dollars.....	900

Massage instructor, five hundred dollars.....	500
Musical instructor, four hundred and twenty dollars	420
Teacher, three hundred dollars.....	300
Housekeeper, six hundred dollars.....	600
Cook, seven hundred and twenty dollars.....	720
Assistant cooks, 1 at \$600 and 1 at \$500, one thousand one hundred dollars	1,100
Barbers, 2 at \$360 each, seven hundred and twenty dollars	720
Runner, one hundred and twenty dollars.....	120
Tailor, three hundred dollars	300
Helpers, seven hundred and twelve dollars....	712
(b) Attendants' pay-roll, thirty-five thousand dollars	35,000
Total, fifty-five thousand seven hundred and eighty-eight dollars	\$55,788

Item 22. *Equipment:*

(a) Musical instruments and music, two hundred dollars	\$200
(b) Cooking and serving outfit, one thousand dollars	1,000
Total, one thousand two hundred dollars..	\$1,200

MAINTENANCE.

Item 23. *Structures:*

(a) Sanitary flooring, insane department, six thousand dollars	\$6,000
(b) New boilers, repairs, etc., five hundred dollars	500
(c) Refrigerator, two thousand dollars	2,000
(d) Improvements to toilets, three thousand dollars	3,000

(e) Addition to Nurses' Home, thirty thousand
dollars 30,000

Total, forty-one thousand five hundred
dollars \$41,500

INSANE AT BYBERRY.

OPERATION.

Item 24. *Personal services:*

Salaries:

Attendant male physician, one thousand two hundred dollars	\$1,200
Assistant physician, eight hundred dollars	800
Attendants, 4 at \$600 each, two thousand four hundred dollars	2,400
Attendants, 6 at \$480 each, two thousand eight hundred and eighty dollars	2,880
Attendants, 30 at not exceeding \$360 each, ten thousand eight hundred dollars	10,800
Total, eighteen thousand and eighty dollars	\$18,080

BYBERRY FARMS.

OPERATION.

Item 25. *Personal services:*

Salaries:

Farmer (house and found), one thousand two hundred dollars	\$1,200
Clerk, male, eight hundred dollars	800
Chauffeur, nine hundred dollars	900
Special officers, 2 at \$800 each, one thousand six hundred dollars	1,600
Cook, seven hundred and twenty dollars	720
Assistant cooks, 2 at \$500 each, one thousand dollars	1,000

Baker, six hundred and twenty-four dollars...	624
Engineer, six hundred dollars	600
Firemen, 3 at \$480 each, one thousand four hundred and forty dollars.....	1,440
Assistant farmers, 2 at \$720 each (found), one thousand four hundred and forty dollars...	1,440
Dairyman, six hundred dollars	600
Farmers, eight thousand dollars	8,000
Helpers, one thousand three hundred and eighty dollars	1,380

Total, twenty thousand three hundred and four dollars \$20,304

Item 26. *Supplies:*

Uniforms for special officers, eighty dollars... \$80

MAINTENANCE.

Item 27. *Services other than personal:*

Repairs to farming implements, wagons and horseshoeing, one thousand five hundred dollars \$1,500

OUTDOOR RELIEF.

Item 28. *Personal services:*

Salaries:

Outdoor physicians, 50 at \$540 each, twenty-seven thousand dollars \$27,000

Item 29. *Supplies:*

- (a) Medicines and dietetic food for sick, to be distributed by the outdoor physicians, five thousand dollars \$5,000
- (b) Milk and ice for sick, five thousand dollars.. 5,000

Total, ten thousand dollars \$10,000

Provided, That the Director shall be allowed, when it is in his judgment to the best interest of the City, to

contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars: *Provided further*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided further*, That before the City Controller shall countersign any warrant for the payment of wages or salaries for any employees in this Department, he shall require an affidavit from the Chiefs of the respective Bureaus that said employees actually were performing that work for which they were appointed, and were taken from the eligible lists certified by the Civil Service Commission for such character of work: *Provided further*, That the Department of Public Health and Charities, in the selection of their employees, are directed to prefer in their appointments honorably discharged soldiers and sailors.

Warrants shall be drawn by the Department of Public Health and Charities in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Safety, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of seven million five hundred and seventy-two thousand three hun-

dred and two (7,572,302) dollars be, and the same is hereby appropriated to the Department of Public Safety, for the year 1914.

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department the sum of thirty-two thousand seven hundred and three (32,703) dollars is for the expenses of the Director's Office, as follows:

EXECUTIVE.

ADMINISTRATION.

Item 1. *Personal services:*

Salaries:

Director, ten thousand dollars	\$10,000
Secretary, two thousand four hundred dollars..	2,400
Chief clerk, two thousand dollars	2,000
Clerks or stenographers, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Chauffeur, one thousand dollars	1,000
Stenographers and typewriters, 3 at \$900 each, two thousand seven hundred dollars.....	2,700
Messenger, one thousand one hundred dollars..	1,100
Messenger, one thousand dollars	1,000

Total, twenty-three thousand eight hundred dollars \$23,800

Item 2. *Services other than personal:*

Transportation and communication service, two thousand dollars	\$2,000
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Item 3. *Supplies:*

Uniforms, 2 at \$40 each, eighty dollars.....	\$80
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MAINTENANCE.

Item 4. *Services other than personal:*

Maintenance and equipment of automobiles, one thousand dollars	\$1,000
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FIXED CHARGES.

Item 5. Rent of telautograph, two hundred and twenty-three dollars	\$223
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EMPLOYMENT AGENCIES.

OPERATION.

Item 6. *Personal services:*

Salaries:

Deputy, one thousand two hundred dollars...	\$1,200
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Item 7. *Services other than personal:*

Transportation and postage, two hundred dollars	\$200
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Item 8. Refunds, five hundred dollars	\$500
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CONTRIBUTIONS.

FIXED CHARGES.

Item 9. (a) Horse watering stations, Women's Pennsylvania Society Prevention Cruelty to Animals, two thousand five hundred dollars..	\$2,500
(b) Maintenance of Home for the Protection of Colored Women, one thousand two hundred dollars	1,200

Total, three thousand seven hundred dollars	\$3,700
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Provided, That the appropriation made to Item 9 (a) shall be paid in monthly installments to the Women's Pennsylvania Society for the Prevention of Cruelty to Animals during the months of July, August and September. *Provided further*, That the appropriation in Item 9 (b) shall be paid to the Association for the Protection of Colored Women in monthly installments.

BUREAU OF POLICE.

SECT. 2. Of the amount appropriated to this Department the sum of four million four hundred and twenty-one thousand one hundred and nineteen (4,421,119) dollars is for the expenses of the Bureau of Police, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

Salaries:

Superintendent, four thousand five hundred dollars	\$4,500
Secretary, one thousand eight hundred dollars.	1,800
Chief clerk, one thousand seven hundred dollars	1,700
Assistant clerks or stenographers, 2 at \$1,100 each, two thousand two hundred dollars.	2,200
Stenographer, one thousand two hundred dollars	1,200
Assistant clerk to superintendent, one thousand five hundred dollars	1,500
Record clerk, one thousand six hundred dollars	1,600
Messenger, one thousand dollars	1,000
Storehouse clerk, nine hundred dollars	900
Driver of supply wagon, seven hundred and fifty dollars	750
Total, seventeen thousand one hundred and fifty dollars	\$17,150

Item 2. *Supplies:*

Uniforms, 1 at \$100, and 10 at \$40 each, five hundred dollars	\$500
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POLICING THE CITY.

OPERATION.

Item 3. *Personal services:*

Salaries:

Captains, 5 at \$2,100 each, ten thousand five hundred dollars	\$10,500
Lieutenants, 43 at \$1,800 each, seventy-seven thousand four hundred dollars.....	77,400
Street sergeants, 116 at \$1,400 each, one hundred and sixty-two thousand four hundred dollars	162,400
Telegraph sergeants, 131 at \$1,200 each, one hundred and fifty-seven thousand two hundred dollars	157,200
Patrol sergeants, 70 at \$1,200 each, eighty-four thousand dollars	84,000
Patrolmen, 2,940, and patrolmen (substitute), 250, three million three hundred and sixty-five thousand one hundred and fifty-five dollars	\$3,365,155

Provided, That all patrolmen sworn in during the year 1914 shall be paid at the rate of two (2) dollars and fifty (50) cents per day; all sworn in during the year 1913 shall be paid at the rate of two (2) dollars and sixty-five (65) cents per day; all sworn in during the year 1912 shall be paid at the rate of two (2) dollars and seventy-five (75) cents per day; all sworn in during the year 1911 shall be paid at the rate of two (2) dollars and eighty-five (85) cents per day; all sworn in prior to 1911 and in continuous service in the Department shall be paid at the rate of three (3) dollars per day; substitute patrolmen to be paid at the rate of two (2) dollars and twenty-five (25) cents per day: *Provided*, The Director shall be allowed, when in his judgment he deems it necessary, to detail substitute patrolmen for quarantine purposes.

Supervising matron, seven hundred and twenty dollars	720
Matron, seven hundred and twenty dollars . . .	720
Police matrons, 23 at \$650 each, fourteen thousand nine hundred and fifty dollars	14,950
Van drivers, 6 at \$900 each, five thousand four hundred dollars	5,400
Lieutenants, City Hall guards, 2 at \$1,400 each, two thousand eight hundred dollars	2,800
City Hall guards, 68 at \$2.25 per day each, fifty-five thousand eight hundred and forty-five dollars	55,845
Superintendent of horses, one thousand eight hundred dollars	1,800
Assistant superintendent of horses, eight hundred dollars	800
Drillmaster, one thousand eight hundred dollars	1,800
Riding instructor, one thousand eight hundred dollars	1,800
Clerk at central station, one thousand seven hundred dollars	1,700
Hostlers, 37 at \$720 each, twenty-six thousand six hundred and forty dollars	26,640
Cleaners, seventeen thousand dollars	17,000

Total, three million nine hundred and eighty-eight thousand six hundred and thirty dollars \$3,988,630

Provided, That Section 5 of the ordinance approved February 28, 1856, shall not apply to this item.

Item 4. *Services other than personal:*

- | | |
|---|--------|
| (a) Removal of ashes, expressage, hauling and transportation, eight hundred dollars | \$800 |
| (b) Horseshoeing, twenty thousand dollars | 20,000 |

Provided, That warrants may be countersigned on this item upon the approval of the bills by the Director, without advertising: *Provided, however*, That the work shall only be given to those who pay the union rate of wages.

(c) Keep and pasturing horses, three thousand six hundred dollars	3,600
(d) Postage and advertising, four hundred dollars	400
(e) Expenses of office and station houses, two thousand two hundred dollars	2,200
Total, twenty-seven thousand dollars....	\$27,000

Item 5. *Supplies:*

Uniforms, 5 at \$100 each; 46 at \$75 each; 491 at \$50 each; 3,097 at \$40 each, one hundred and fifty-two thousand three hundred and eighty dollars	\$152,380
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MAINTENANCE.

Item 6. *Services other than personal:*

(a) Maintenance and repairs to auto patrol and patrol wagons, bicycles and motorcycles, two thousand dollars	2,000
(b) Repairs to badges, batons, belts, etc., three hundred dollars	300
(c) Repairs to harness, two hundred and fifty dollars	250
(d) Repairs to furniture, one hundred dollars...	100
(e) Repairs and expense of van service, five hundred dollars	500
(f) Repairs to police and patrol houses, ten thousand dollars	10,000
(g) Repairs to stove and steam heaters, one thousand two hundred and fifty dollars	1,250

(h) Maintenance printing press, eight hundred dollars	800
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Total, fifteen thousand two hundred dollars \$15,200

FIXED CHARGES.

Item 7. (a) Annual dues of superintendent in National Bureau of Identification, three hundred dollars \$300

(b) Rent, patrol station, 307 Union street, eight hundred dollars 800

Rent, patrol station, Twenty-second and York streets, eight hundred dollars 800

(c) Water rent, two hundred and nine dollars.. 209

Total, two thousand one hundred and nine dollars \$2,109

DETECTION OF CRIME.

OPERATION.

Item 8. *Personal services:*

Salaries:

Captain of detectives, two thousand five hundred dollars \$2,500

Clerk or stenographer to detectives, one thousand five hundred dollars 1,500

Complaint clerk or stenographer, one thousand two hundred dollars 1,200

Detectives, 29 at \$1,700 each, forty-nine thousand three hundred dollars 49,300

Photographer, one thousand six hundred dollars 1,600

Assistant photographer, one thousand two hundred dollars 1,200

Total, fifty-seven thousand three hundred dollars \$57,300

Item 9. *Services other than personal:*

(a) Transportation, one thousand two hundred dollars	\$1,200
(b) Communication service, three hundred dollars	300
Total, one thousand five hundred dollars.	\$1,500

Item 10. *Supplies:*

(a) Photographic materials, five hundred dollars	\$500
(b) Uniforms, two at \$40 each, eighty dollars..	80
Total, five hundred and eighty dollars..	\$580

CARE OF SICK AND INJURED PERSONS.

OPERATION.

Item 11. *Services other than personal:*

Expenses incurred in providing medicines and general provisions for houses under quarantine, one hundred dollars	\$100
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FIXED CHARGES AND CONTRIBUTIONS

Item 12. For payment to hospitals for ambulance service, as follows:

German, Episcopal, St. Joseph's, Methodist Episcopal, Jewish, Women's, Presbyterian and University, \$750 each; Children's Homoeopathic, Germantown, St. Mary's, St. Agnes, Medico-Chirurgical, Children's, St. Timothy's, Hahnemann, Samaritan, Jefferson Medical College, St. Christopher's, St. Luke's, Mt. Sinai, Polyclinic, West Philadelphia Homoeopathic, Stetson's, Roosevelt, Frankford, Northwestern General, Mercy, Garretson, Women's Homoeopathic, West Philadelphia Women's, Douglas, Chestnut Hill, and Women's Southern Homoeopathic, \$375 each, fifteen thousand seven hundred and fifty dollars.	\$15,750
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Item 13. (a) Women's Pennsylvania Society for the Prevention of Cruelty to Animals for tak- ing stray animals and killing them, eight thou- sand dollars	\$8,000
(b) Morris Refuge Association, three thousand dollars	3,000
Total, eleven thousand dollars	\$11,000

CARE OF PRISONERS.

OPERATION.

Item 14. *Services other than personal:*

(a) Transportation, two hundred dollars.....	\$200
(b) Meals to prisoners, one thousand dollars...	1,000
Total, one thousand two hundred dollars.	\$1,200

STREET SIGNS.

OPERATION.

Item 15. *Miscellaneous:*

Erection of street signs, five hundred dollars..	\$500
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PENSIONS, ETC.

Item 16. Pensions and retirement salaries, Po-
lice Pension Fund, sixty thousand dollars... \$60,000

Provided, That no part of the money appropriated to this fund shall be used in the payment of any pensioner who is in the receipt of an income from any governmental employment whatsoever: *And provided further*, That the members of the Bureau of Police shall not seek to sell, offer for sale, dispose of, or cause to be offered or placed on sale for disposal, benefit tickets of any kind whatsoever for the purpose of increasing the funds of the Police Pension Fund. The Annual Police Carnival may be held. The same may be advertised and tickets of admission thereto placed on sale under the discretion and manage-

ment of the Secretary of the Police Pension Fund Association, subject to the approval of the Director of Public Safety; otherwise this appropriation to be void: *Provided further*, That the City Controller shall countersign no warrants in this item until Councils shall have representation on the Board of Directors.

POLICING WATERWAYS.

OPERATION.

Item 17. *Personal services:*

Salaries:

Pilots, 11 at \$1,250 each, thirteen thousand seven hundred and fifty dollars.....	\$13,750
Engineers, 9 at \$1,200 each, ten thousand eight hundred dollars	10,800
Firemen, 10 at \$1,000 each, ten thousand dollars	10,000
Deck laborers, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160
Total, thirty-six thousand seven hundred and ten dollars	\$36,710

Item 18. *Supplies:*

Uniforms, 33 at \$40 each, one thousand three hundred and twenty dollars	\$1,320
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MAINTENANCE.

Item 19. *Services other than personal:*

Repairs to boats, one thousand dollars.....	\$1,000
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DETERMINATION OF CAUSES OF FIRE.

OPERATION.

Item 20. *Personal services:*

Salaries:

Fire marshal, two thousand five hundred dollars	\$2,500
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Assistant fire marshals, 2 at \$2,000 each, four thousand dollars	4,000
Assistant fire marshals, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Clerk or stenographer to fire marshal, one thousand dollars	1,000
Fire escape inspectors, 10 at \$1,200 each, twelve thousand dollars	12,000

Total, twenty-one thousand nine hundred dollars \$21,900

Item 21. *Services other than personal:*

Transportation and keep of horses and wagons and automobiles, two hundred dollars.....	\$200
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Item 22. *Supplies:*

Uniforms, forty dollars	\$40
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MAINTENANCE.

Item 23. *Services other than personal:*

Repairs and maintenance of automobiles, one hundred dollars	\$100
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CARE OF SICK AND INJURED EMPLOYEES.

OPERATION.

Item 24. *Personal services:*

(a) Salaries:

Surgeon, four thousand dollars	\$4,000
Laborer (clerk), nine hundred dollars.....	900
Laborer (messenger), seven hundred and fifty dollars	750

(b) Medical attendance, two thousand eight hundred dollars	2,800
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Total, eight thousand four hundred and fifty dollars \$8,450

MAINTENANCE.**Item 25. *Services other than personal:***

Repairs and maintenance of automobile, five hundred dollars	\$500
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BUREAU OF FIRE.

SECT. 3. Of the amount appropriated to this Department the sum of one million three hundred thousand five hundred and forty-seven (1,300,547) dollars is for the expenses of the Bureau of Fire, as follows:

EXECUTIVE.**OPERATION.****Item 1. *Personal services:*****Salaries:**

Chief engineer, four thousand five hundred dollars	\$4,500
Fire inspector, four thousand five hundred dollars	4,500
Deputy chief engineer, three thousand dollars.	3,000
Inspector, Joseph T. Hammond, one thousand three hundred dollars	1,300
Secretary, one thousand six hundred dollars...	1,600
Storehouse clerk, one thousand two hundred dollars	1,200
Assistant clerk or stenographer, one thousand dollars	1,000
Stenographer and typewriter, nine hundred dollars	900
Telephone operators, 3 at \$1,000 each, three thousand dollars	3,000
Messenger, eight hundred dollars	800
Watchman, seven hundred and forty dollars..	740

Driver of supply wagon, one thousand dollars..	1,000
Cleaner, five hundred and forty dollars.....	540

Total, twenty-four thousand and eighty
dollars \$24,080

Item 2. *Services other than personal:*

(a) Postal service, twenty dollars.....	\$20
(b) Miscellaneous services, one hundred and thirty dollars	130

Total, one hundred and fifty dollars.... \$150

Item 3. *Supplies:*

Uniforms, 2 at \$100 each, and 7 at \$40 each,
four hundred and eighty dollars..... \$480

Item 4. Firemen's Pension Fund, eighteen
thousand dollars \$18,000

Provided, That no part of the money appropriated in Item 4, for the Firemen's Pension Fund, shall be used in the payment of any pensioner who is in the receipt of an income from any Governmental employment whatsoever: *And provided further*, That members of the Bureau of Fire shall not seek to sell, offer for sale, dispose of or cause to be offered or placed on sale for disposal benefit tickets of any kind whatever for the purpose of increasing the funds of the Firemen's Pension Fund; otherwise this appropriation to be void: *And provided*, That the City Controller shall countersign no warrant against said item until Councils shall have representation on the Board of Directors.

EXTINGUISHING FIRES.

OPERATION.

Item 5. *Personal services:*

Battalion chiefs, 11 at \$2,000 each, twenty-two
thousand dollars \$22,000

Captains, 77 at \$1,400 each, one hundred and seven thousand eight hundred dollars.....	107,800
Lieutenants, 79 at \$1,250 each, ninety-eight thousand seven hundred and fifty dollars...	98,750
Steam engineers, 59 at \$1,200 each, seventy thousand eight hundred dollars	70,800
Firemen, 61 at \$1,100 each, sixty-seven thousand one hundred dollars	67,100
Drivers, 97 at \$1,100 each, one hundred and six thousand seven hundred dollars	106,700
Tillermen, 18 at \$1,200 each, twenty-one thousand six hundred dollars	21,600
Hosemen and laddermen, 646, six hundred and thirty-five thousand seven hundred dollars..	635,700

Provided, All hosemen and laddermen serving two years or less shall be paid nine hundred (900) dollars each per annum; all hosemen and laddermen serving from two to four years shall be paid one thousand (1,000) dollars each per annum; all hosemen and laddermen serving over four years shall be paid one thousand one hundred (1,100) dollars each per annum: *And provided*, That the first year service of hosemen and laddermen shall expire on the thirty-first day of December next succeeding their appointment.

Cleaners, 90 at \$25 per month each; 3 at \$35 per month each; 7 at \$18 per month each, twenty-four thousand eight hundred and seventy-two dollars	24,872
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Total, one million one hundred and fifty-five thousand three hundred and twenty-two dollars\$1,155,322

Provided, That Section 5 of the ordinance approved February 28, 1856, shall not apply to this item.

Item 6. *Services other than personal:*

(a) Removal of ashes, three hundred dollars... \$300

(b) Removal of dangerous walls, three hundred dollars	300
Total, six hundred dollars	\$600

Item 7. *Supplies:*

Uniforms, 11 at \$75 each, and 1,037 at \$40 each, forty-two thousand three hundred and five dollars	\$42,305
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CARE OF EQUIPMENT.

OPERATION.

Item 8. *Personal services:*

Salaries:

Veterinary surgeon, two thousand dollars....	\$2,000
Assistant veterinary surgeon, one thousand two hundred dollars	1,200
Superintendent of repair shop, one thousand eight hundred dollars	1,800
Assistant superintendent of repair shop, one thousand two hundred dollars	1,200

Total, six thousand two hundred dollars.. \$6,200

Item 9. *Services other than personal:*

Shoeing and pasturing animals, five thousand dollars	\$5,000
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Provided, That warrants for horseshoeing may be countersigned on this item on the approval of the bills by the Director, without advertising: *Provided however*, Said horseshoeing shall be given to those who pay union rate of wages.

MAINTENANCE.

Item 10. *Personal services:*

Salaries:

Machinists, 9 at \$1,000 each, nine thousand dollars	\$9,000
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Blacksmith, one thousand one hundred dollars	1,100
Blacksmiths, 3 at \$1,000 each, three thousand dollars	3,000
Helpers, 6 at \$800 each, four thousand eight hundred dollars	4,800
Wheelwrights, 5 at \$1,000 each, five thousand dollars	5,000
Plumbers and gasfitters, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Boilermaker, one thousand dollars	1,000
Carpenters, 4 at \$1,000 each, four thousand dollars	4,000
Patternmaker, one thousand dollars	1,000
Painters, 5 at \$1,000 each, five thousand dollars	5,000
Total, thirty-six thousand one hundred dollars	\$36,100

Item 11. *Services other than personal:*

(a) Repairs and maintenance to automobiles, one thousand dollars	\$1,000
(b) Repairs to apparatus and rebuilding apparatus, one thousand dollars	1,000
(c) Repairs to harness, one hundred dollars	100
(d) Repairs to fire houses, four thousand dollars	4,000
(e) Repairs to stoves and steam heaters, one thousand two hundred and fifty dollars	1,250

Total, seven thousand three hundred and fifty dollars \$7,350

Item 12. *Supplies:*

Uniforms for carpenters, 4 at \$40 each, one hundred and sixty dollars	\$160
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FIXED CHARGES.

Item 13. *Rents:*

Fire house, Tenth and Hunter streets, two thousand three hundred dollars	\$2,300
Fire house, Fox Chase, one thousand dollars..	1,000
Fire house, 2003-5 N. Second street, one thousand five hundred dollars	1,500
Total, four thousand eight hundred dollars	\$4,800

ELECTRICAL BUREAU.

SECT. 4. Of the amount appropriated to this Department, the sum of one million five hundred and seventy-nine thousand four hundred and seventy-four (1,579,474) dollars is for the expenses of the Electrical Bureau, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief, six thousand dollars	\$6,000
First assistant manager, two thousand two hundred dollars	2,200
Bookkeeper, one thousand two hundred dollars.	1,200
Draftsman, one thousand one hundred dollars.	1,100
Clerk or stenographer, nine hundred dollars...	900
Foreman (storekeeper), one thousand dollars.	1,000
Clerk, bookkeeper and assistant, one thousand one hundred dollars	1,100
Stenographer and secretary, one thousand two hundred dollars	1,200
Messenger, eight hundred dollars	800
Janitress, 2 at \$250 each, five hundred dollars.	500

(b) Wages, as follows: Purchasing agent, at \$3 per day; assistant draftsman, at \$3 per day; clerk, at \$3 per day; stenographers, 2 at \$3 per day each; laborer (janitor), at \$3 per day; laborer (janitor), at \$2.50 per day; laborer (storekeeper), at \$3 per day; laborer (storekeeper), at \$2.50 per day; laborer (storekeeper's assistants), 2 at \$3 per day each, ten thousand dollars	10,000
(c) Temporary help, including clerical service, five hundred dollars	500

Total, twenty-six thousand five hundred dollars \$26,500

Item 2. *Services other than personal:*

(a) Transportation, six thousand two hundred and fifty dollars	\$6,250
(b) Cartage, one thousand dollars	1,000
(c) Printing, five hundred dollars	500
(d) Postage, five hundred dollars	500
(e) Subsistence of persons, three hundred and fifty dollars	350
(f) Advertising, two hundred dollars	200

Total, eight thousand eight hundred dollars \$8,800

Item 3. *Supplies:*

(a) Incidental supplies, one thousand dollars...	\$1,000
(b) Uniform, forty dollars	40

Total, one thousand and forty dollars.... \$1,040

ELECTRICAL ILLUMINATION.

OPERATION.

Item 4. *Personal services:*

(a) Salaries:

Chief line inspector, one thousand seven hundred dollars	\$1,700
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Chief inspector, electric lighting, one thousand five hundred dollars	1,500
Inspectors, 2 at \$1,300 each, two thousand six hundred dollars	2,600
Electrician, one thousand four hundred dollars	1,400
Permit clerk, one thousand one hundred dollars	1,100
Wiremen, 2 at \$1,000 each, two thousand dollars	2,000
(b) Wages: Laborers, 3 at \$3 per day each, two thousand eight hundred and seventeen dollars.	2,817
Total, thirteen thousand one hundred and seventeen dollars	\$13,117

OPERATION.

Item 5. *Services other than personal:*

(a) Electric arc lighting, one million two hundred and seventeen thousand and fifty-two dollar	\$1,217,052
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Provided, That no lights shall be located or re-located without authority of Councils.

(b) Incandescent current, five thousand dollars.	5,000
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Total, one million two hundred and twenty-two thousand and fifty-two dollars. . . \$1,222,052

MAINTENANCE.

Item 6. *Personal services:*

(a) Salaries:

Assistant inspector electric lighting, one thousand three hundred dollars	\$1,300
Wiremen, 8 at \$1,000 each, eight thousand dollars	8,000

(b) Wages as follows: Laborers, 6 at \$3 per day each; laborers, 2 at \$2.75 per day each; laborers, 21 at \$2.50 per day each; driver at	
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\$2.50 per day, thirteen thousand eight hundred and seventy-five dollars 13,875

Total, twenty-three thousand one hundred and seventy-five dollars \$23,175

Item 7. *Supplies:*

Uniforms, 3 at \$40 each, one hundred and twenty dollars \$120

POWER PLANT AND ELEVATORS.

OPERATION.

Item 8. *Personal services:*

(a) Salaries:

Chief Engineer (superintendent of heat, light and power plant), City Hall, one thousand eight hundred dollars \$1,800

Assistant engineers, 3 at \$1,460 each, four thousand three hundred and eighty dollars.. 4,380

Dynamomen, 3 at \$1,200 each, three thousand six hundred dollars 3,600

(b) Wages: Engineers, 3 at \$4.50 per day each; pumpmen, 7 at \$3 per day each; firemen, 21 at \$2.75 per day each; coal passers, 6 at \$2.50 per day each; laborers, 9 at \$2.50 per day each; superintendent of elevator service, at \$5 per day; foreman, at \$5 per day; starters, 5 at \$3 per day each; operators, 42 at \$2.75 per day each; laborers (operators), 2 at \$2.50 per day each, eighty-nine thousand seven hundred and thirty dollars 89,730

Total, ninety-nine thousand five hundred and ten dollars \$99,510

MAINTENANCE.

Item 9. *Personal services:*

Laborers (repairing), 5 at \$2.50 per day each, one thousand five hundred dollars..... \$1,500

Item 10. *Materials:*

For repairs and maintenance of elevator service and power plant, five thousand dollars.. \$5,000

Item 11. *Equipment:*

For rearrangement of power plant and elevator system, eight thousand dollars..... \$8,000

Item 12. *Supplies:*

Uniforms, 48 at \$40 each, one thousand nine hundred and twenty dollars \$1,920

TELEPHONE AND TELEGRAPH.

OPERATION.

Item 13. *Personal services:*

(a) Salaries:

Chief operator (superintendent of fire alarm and telephone systems), one thousand seven hundred dollars \$1,700

Supervisor operator, one thousand two hundred and sixty dollars 1,260

Operators (fire alarm and telephone), 29 at \$1,200 each, thirty-four thousand eight hundred dollars 34,800

(b) Wages as follows: Laborer, at \$3.50 per day; laborer, at \$2.75 per day; laborers, 4 at \$2.50 per day each, three thousand dollars..... 3,000

(c) Apprentices, 2, first year, at \$360 each; 2, second year, at \$540 each; 2, third year, at \$720 each, three thousand two hundred and forty dollars 3,240

Total, forty-four thousand dollars..... \$44,000

Item 14. *Services other than personal:*

Telephone service from telephone companies, forty-nine thousand dollars..... \$49,000

Item 15. *Supplies:*

Uniforms, 30 at \$40 each, one thousand two hundred dollars	\$1,200
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MAINTENANCE.

Item 16. *Personal services:*

(a) Salaries:

Assistant chief, three thousand dollars.....	\$3,000
Assistant manager (superintendent of police signal system), two thousand one hundred dollars	2,100
Inspector (superintendent of underground structures), one thousand five hundred dollars	1,500
Inspector, one thousand four hundred dollars..	1,400
Inspectors, 8 at \$1,300 each, ten thousand four hundred dollars	10,400
Plumber, one thousand four hundred dollars..	1,400
Plumbers, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Linemen, 11 at \$1,100 each, twelve thousand one hundred dollars	12,100
Wireman, one thousand dollars	1,000
Batteryman, one thousand dollars	1,000

(b) Wages, as follows: Bricklayer, at \$5 per day; laborer (plumber), at \$3 per day; laborer (carpenter), at \$3 per day; foreman, at \$3 per day; climbers, 5 at \$3 per day each; groundsmen, 7 at \$2.50 per day each; drivers, 6 at \$2.50 per day each; laborers, 6 at \$3 per day each; laborers, 28 at \$2.50 per day each, twenty-five thousand dollars

	25,000
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(c) Additional construction gang, five thousand dollars

	5,000
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Total, sixty-seven thousand five hundred dollars

	\$67,500
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Item 17. *Services other than personal:*

(a) Special and miscellaneous, including painting poles, yard-arms, etc., one thousand dollars	\$1,000
(b) Improvements, additions and equipment of fire alarm system, five thousand dollars	5,000
Total, six thousand dollars	\$6,000

Item 18. *Supplies:*

Uniforms, 26 at \$40 each, one thousand and forty dollars	\$1,040
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BUREAU OF CORRECTION.

SECT. 5. Of the amount appropriated to this Department the sum of one hundred thousand eight hundred and nineteen (100,819) dollars is for the expenses of the Bureau of Correction, as follows:

EXECUTIVE.**OPERATION.**Item 1. *Personal services:*

Salaries, with board:

Superintendent, two thousand five hundred dollars	\$2,500
Master warden, one thousand five hundred dollars	1,500

Without board:

Bookkeeper, one thousand four hundred dollars	1,400
Assistant bookkeeper, one thousand dollars	1,000
Second assistant bookkeeper, seven hundred and twenty dollars	720
Miscellaneous clerk, eight hundred dollars	800

Total, seven thousand nine hundred and twenty dollars	\$7,920
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Item 2. *Services other than personal:*

Advertising, carfare and communication service, four hundred and nineteen dollars....	\$419
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DETENTION OF PETTY OFFENDERS.

OPERATION.

Item 3. *Personal services:*

Salaries, with board:

Captain of the guards, one thousand one hundred dollars	\$1,100
Lieutenant of the guard, one thousand dollars	1,000
Resident physician, one thousand two hundred dollars	1,200
Apothecary, seven hundred and twenty dollars.	720
Male nurse, four hundred dollars	400
Chief engineer, one thousand dollars.....	1,000
Chief cook, nine hundred dollars	900
Assistant cook, five hundred dollars	500
Female nurse, three hundred and sixty dollars	360
Matron, six hundred and seventy-five dollars..	675
Assistant matrons, 9 at \$360 each, three thousand two hundred and forty dollars.....	3,240

Without board:

Guards, 50 at \$1,000 each, fifty thousand dollars	50,000
Sub-guards, 5 at \$800 each, four thousand dollars	4,000
Wagon driver (guard), one thousand dollars...	1,000
Storekeeper, one thousand two hundred dollars	1,200
Visiting physician, nine hundred dollars	900
Assistant engineers, 5 at \$900 each, four thousand five hundred dollars	4,500
Foreman, gas works, one thousand one hundred dollars	1,100

Foreman of departments, 7 at \$900 each, six thousand three hundred dollars	6,300
Farmer, eight hundred dollars	800
Moral instructor and teacher, one thousand dollars	1,000
Lamplighters, 3 at \$300 each, nine hundred dollars	900
Organist, one hundred and twenty dollars....	120
Service of veterinary surgeon, twenty-five dollars	25
Total, eighty-two thousand nine hundred and forty dollars	\$82,940

Item 4. *Services other than personal:*

(a) Transportation of prisoners and communication service, one hundred and twenty-five dollars	\$125
(b) Sending to their homes, outside of City limits, worthy cases, twenty-five dollars.....	25
(c) Power for electric elevator, two hundred and fifty dollars	250
Total, four hundred dollars	\$400

Item 5. *Supplies:*

(a) Uniforms, 2 at \$50 each, and 61 at \$40 each, two thousand five hundred and forty dollars...	\$2,540
(b) Water rent, two thousand five hundred dollars	2,500
Total, five thousand and forty dollars....	\$5,040

MAINTENANCE.

Item 6. *Services other than personal:*

(a) Repairs to elevator, one hundred dollars...	\$100
(b) Building retort and general repairs to gas apparatus, two thousand dollars	2,000

(c) Repairs to buildings, one thousand five hundred dollars	1,500
(d) Repairs to furniture, five hundred dollars...	500

Total, four thousand one hundred dollars. \$4,100

BUREAU OF BUILDING INSPECTION.

SECT. 6. Of the amount appropriated to this Department the sum of seventy-nine thousand three hundred and nine (79,309) dollars is for the expenses of the Bureau of Building Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, four thousand five hundred dollars	\$4,500
Deputy chief, two thousand six hundred dollars	2,600
Engineer of construction, two thousand five hundred dollars	2,500
Inspectors, 24 at \$2,000 each, forty-eight thousand dollars	48,000
Inspector engineer, two thousand five hundred dollars	2,500
Assistant inspector engineer, two thousand dollars	2,000
Engineer inspector, reinforced concrete construction, two thousand five hundred dollars.	2,500
Chief clerk, one thousand six hundred dollars.	1,600
Record clerk, one thousand two hundred dollars	1,200
Clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Clerk and stenographer, one thousand dollars..	1,000
Assistant clerk and stenographer, nine hundred dollars	900

Laborer (clerk), at \$3 per day, nine hundred and thirty-nine dollars.....	939
Messenger, seven hundred and twenty dollars..	720
Janitress, three hundred dollars	300

Total, seventy-three thousand four hundred and fifty-nine dollars..... \$73,459

Item 2. *Services other than personal:*

(a) Transportation, postage and printing, etc., one thousand two hundred and fifty dollars...	\$1,250
(b) Removing dangerous buildings, five hundred dollars	500

Total, one thousand seven hundred and fifty dollars \$1,750

Item 3. *Supplies:*

Stationery and miscellaneous, fifty dollars....	\$50
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MAINTENANCE.

Item 4. *Services other than personal:*

Horse keep and automobile maintenance, four thousand dollars	\$4,000
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Item 5. Equipment, fifty dollars	\$50
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BUREAU OF STEAM ENGINE AND BOILER INSPECTION.

SECT. 7. Of the amount appropriated to this Department the sum of twenty-one thousand one hundred and ninety-six (21,196) dollars is for the expenses of the Bureau of Steam Engine and Boiler Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, three thousand dollars.....	\$3,000
Assistant inspectors, 6 at \$1,300 each, seven thousand eight hundred dollars.....	7,800

Chief clerk, one thousand three hundred dollars	1,300
Assistant clerk, nine hundred dollars.....	900
Registering clerk, nine hundred dollars.....	900
Smoke inspectors, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Messenger and clerk, eight hundred dollars....	800
Driver, eight hundred dollars	800
Stenographer and typewriter, seven hundred dollars	700
Janitor, two hundred and sixteen dollars.....	216

Total, eighteen thousand eight hundred and sixteen dollars \$18,816

Item 2. *Services other than personal:*

Carfare, postage, subsistence and care of animals, storage and care of vehicles, two thousand and eighty dollars \$2,080

Item 3. *Supplies:*

Special, three hundred dollars \$300

BUREAU OF ELEVATOR INSPECTION.

SECT. 8. Of the amount appropriated to this Department the sum of thirty-seven thousand one hundred and thirty-five (37,135) dollars is for the expenses of the Bureau of Elevator Inspection, as follows:

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief inspector, three thousand five hundred dollars	\$3,500
Deputy inspector, two thousand dollars	2,000
Inspectors, 20 at \$1,000 each, twenty thousand dollars	20,000
Inspectors, 4 at \$1,200 each, four thousand eight hundred dollars	4,800

Clerks, 3 at \$1,100 each, three thousand three hundred dollars	3,300
Clerk, one thousand dollars	1,000
Stenographer, one thousand dollars	1,000
Messenger, seven hundred dollars	700
Cleaners for offices, three hundred and sixty dollars	360

Total, thirty-six thousand six hundred and sixty dollars \$36,660

Item 2. *Services other than personal:*

Transportation and postage, four hundred and twenty-five dollars	\$425
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Item 3. *Supplies:*

Stationery, fifty dollars	\$50
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SECT. 9. The Director shall be allowed, when it is in his judgment to the best interest of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars each.

SECT. 10. All bids shall be opened and all contracts awarded in the presence of the Committee of Councils having supervision.

SECT. 11. That the money appropriated for uniforms in this Department shall be paid to each man.

SECT. 12. That in the Bureau of Police, one warrant to be drawn in favor of the lieutenant of each District for the pay of all employees in the Bureau of Police in his District: *Provided*, That such employees shall give a warrant of attorney in favor of the lieutenant empowering him to collect their pay.

Provided also, In the Bureau of Fire, one warrant to be drawn in favor of the captain of each company for the payment of all employees of the Bureau of Fire in his company: *Provided*, That such employees shall give a warrant of attorney in favor of the captain empower-

ing him to collect their pay. Warrants for the Director's Office and the Bureaus of Police, Correction and Fire shall be drawn by the Director of the Department of Public Safety, and all other warrants by the Chiefs of the respective Bureaus, and shall be approved by the Director of the Department of Public Safety in conformity with existing ordinances: *Provided also*, That all employees of this Department, now or hereafter employed, shall be citizens of the United States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided*, That before the City Controller shall countersign any warrant for the payment of wages or salaries for any employees in this Department, he shall require an affidavit from the heads of the respective Bureaus that said employees actually were performing the work for which they were appointed and were taken from the eligible lists certified by the Civil Service Commission for such character of work: *Provided also*, That before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that none but American citizens have been employed on the work, in accordance with the provisions of the ordinance of Councils entitled "An Ordinance for the employment of American citizens by contractors doing work for the City of Philadelphia," approved by the Mayor December 16, 1896.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Public Works, for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of five million seven hundred and thirty-six thousand two hundred and eight (5,736,208) dollars be, and the same is hereby appropriated to the Department of Public Works, for the year 1914.

DIRECTOR'S OFFICE.

Of the amount appropriated to this Department, the sum of forty-four thousand one hundred and sixty-five (44,165) dollars is for the expenses of the Director's Office, as follows:

Item 1. *Personal services:*

Salaries:

Director, ten thousand dollars.....	\$10,000
Assistant director, four thousand dollars.....	4,000
General inspector, two thousand five hundred dollars	2,500
Special inspector, two thousand five hundred dollars	2,500
Chief clerk, two thousand five hundred dollars	2,500
Paymaster, one thousand five hundred dollars	1,500
Assistant paymaster, one thousand two hundred dollars	1,200
Paymaster's clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Clerk, one thousand five hundred dollars.....	1,500
Assistant clerk, one thousand two hundred dollars	1,200

Chauffeurs, 2 at \$1,000 each, two thousand dollars	2,000
Stenographer and clerk, one thousand one hundred dollars	1,100
Stenographer and typewriter, 2 at \$900 each, one thousand eight hundred dollars	1,800
Messenger, nine hundred dollars	900
Messenger, seven hundred and twenty dollars . .	720
Office boy, three hundred and sixty dollars . . .	360
Telephone switchboard operator, four hundred and eighty dollars	480
Sanitress, six hundred dollars	600

Total, thirty-eight thousand eight hundred and sixty dollars \$38,860

Item 2. *Services other than personal:*

(a) Transportation, carriage, cab and motor vehicle hire, fifty dollars	\$50
(b) Storage and care of 2 automobiles, four hundred dollars	400
(c) Communication service, advertising and publication of notices, five hundred dollars	500

Total, nine hundred and fifty dollars \$950

MAINTENANCE.

Item 3. Repairs to 2 automobiles, five hundred dollars	\$500
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FIXED CHARGES.

Item 4.

(a) Licenses for 2 automobiles, thirty-five dollars	\$35
(b) Annual membership fee in organization of City officials for standardizing paving specifications, one hundred dollars	100

Total, one hundred and thirty-five dollars \$135

COMPREHENSIVE PLANS.

OPERATION.

Item 5. *Personal services:*

(a) Salaries:

Secretary, two thousand five hundred dollars..	\$2,500
Stenographer or clerk, nine hundred dollars...	900
Janitress, one hundred and twenty dollars....	120

Total, three thousand five hundred and twenty dollars	3,520
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Item 6. *Services other than personal:*

Transportation and communication service, one hundred dollars	\$100
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Item 7. *Miscellaneous:*

Expenditures in connection with exhibits, one hundred dollars	\$100
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BUREAU OF GAS.

SECT. 2. Of the amount appropriated to this Department, the sum of ten thousand (10,000) dollars is for the expenses of the Bureau of Gas, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Inspectors, 2 at \$2,500 each, five thousand dol- lars	\$5,000
Assistant inspector of meters, one thousand two hundred dollars	1,200
Assistant inspector of meters, nine hundred dol- lars	900
Clerk and assistant inspector, nine hundred dol- lars	900

Photometer inspector, seven hundred and fifty dollars	750
Messenger and assistant inspector of meters, seven hundred and fifty dollars	750
(b) Cleaning rooms, one hundred and eighty dollars	180
Total, nine thousand six hundred and eighty dollars	\$9,680

Item 2. *Services other than personal:*

Car fare, postage, printing and miscellaneous, three hundred and twenty dollars	\$320
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BUREAU OF SURVEYS.

SECT. 3. Of the amount appropriated to this Department, the sum of four hundred and twenty-two thousand one hundred and ninety (422,190) dollars is for the expenses of the Bureau of Surveys, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief engineer and surveyor, eight thousand dollars	\$8,000
Principal assistant engineer, four thousand five hundred dollars	4,500
Chief and recording clerk, two thousand dollars	2,000
Assistant recording clerk, one thousand five hundred dollars	1,500
Stenographers and typewriters, 2 at \$1,000 each, two thousand dollars	2,000
Official photographer, one thousand eight hundred dollars	1,800

Assistant photographer, one thousand three hundred dollars	1,300
Assistant photographer, nine hundred and fifty dollars	950
Blue printer, six hundred dollars	600
Custodian of records, nine hundred dollars	900
Messenger, one thousand dollars	1,000
Chauffeur, one thousand dollars	1,000
Janitor, seven hundred and twenty dollars	720
Janitress, four hundred and eighty dollars	480
(b) Miscellaneous, one hundred and twenty dollars	120
Total, twenty-six thousand eight hundred and seventy dollars	\$26,870

Item 2. *Services other than personal:*

(a) Transportation, expressage, communication service and advertising, one thousand dollars ..	\$1,000
(b) Storage and care of automobiles, two hundred dollars	200
Total, one thousand two hundred dollars.	\$1,200

Item 3. *Supplies:*

Pamphlets, magazines and miscellaneous, two hundred dollars	\$200
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MAINTENANCE.

Item 4. *Services other than personal:*

Repairs to and license for automobile, three hundred dollars	\$300
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RECORDING AND PLOTTING.

OPERATION.

Item 5. *Personal services:*

Salaries:

Registrar, two thousand dollars	\$2,000
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Registry clerk, one thousand four hundred dollars	1,400
Assistant registry clerk, one thousand two hundred dollars	1,200
Draughtsman and road clerk, one thousand five hundred dollars	1,500
Draughtsmen, 4 at \$1,200 each, four thousand eight hundred dollars	4,800
Draughtsmen, 4 at \$1,000 each, four thousand dollars	4,000
Clerk, one thousand dollars	1,000
Clerks, 5 at \$900 each, four thousand five hundred dollars	4,500
Total, twenty thousand four hundred dollars	\$20,400
Item 6. <i>Services other than personal:</i>	
Recording deeds and dedication of streets, two hundred dollars	\$200

SURVEYING AND ENGINEERING.

OPERATION.

Item 7. *Personal services:*

Salaries:

District surveyors and regulators, 13 at \$4,000 each, fifty-two thousand dollars	\$52,000
Principal assistants, 10 at \$2,000 each, twenty thousand dollars	20,000
Principal assistants, 7 at \$1,800 each, twelve thousand six hundred dollars	12,600
First assistants, 20 at \$1,400 each, twenty-eight thousand dollars	28,000
First assistants, 12 at \$1,200 each, fourteen thousand four hundred dollars	14,400
Second assistants, 19 at \$1,000 each, nineteen thousand dollars	19,000

Draughtsmen, 12 at \$1,200 each, fourteen thousand four hundred dollars.....	14,400
Draughtsmen, 6 at \$1,000 each, six thousand dollars.....	6,000
Transitmen, 30 at \$900 each, twenty-seven thousand dollars.....	27,000
Rodmen, 31 at \$800 each, twenty-four thousand eight hundred dollars.....	24,800
Chainmen, 14 at \$500 each, seven thousand dollars.....	7,000
Apprentices, 3 at \$360 each, one thousand and eighty dollars.....	1,080
Messengers, 2 at \$360 each, seven hundred and twenty dollars.....	720
Stenographers, 3 at \$840 each, two thousand five hundred and twenty dollars.....	2,520

Total, two hundred and twenty-nine thousand five hundred and twenty dollars..\$229,520

Item 8. *Services other than personal:*

(a) Transportation, seven hundred dollars.....	\$700
(b) Hire, storage and care of horses, vehicles and automobiles, five thousand dollars.....	5,000
(c) Cleaning offices, one thousand two hundred dollars.....	1,200
(d) Postage, two hundred dollars.....	200
(e) Light, two hundred dollars.....	200

Total, seven thousand three hundred dollars..... \$7,300

FIXED CHARGES.

Item 9. Rent of 13 district offices, eight thousand dollars.....	\$8,000
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PREPARATION OF PLANS.

OPERATION.

Item 10. *Personal services:*

Salaries:

Assistant engineer, three thousand dollars.....	\$3,000
Assistant engineer, field corps, two thousand dollars	2,000
Draughtsman, one thousand five hundred dollars	1,500
Draughtsmen, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Transitman, field corps, nine hundred dollars.	900
Rodman, field corps, eight hundred dollars....	800
Chainman, field corps, five hundred dollars...	500

Total, twelve thousand three hundred dollars \$12,300

Item 11. *Services other than personal:*

Transportation, field corps, two hundred dollars \$200

SEWERS AND INLETS.

OPERATION.

Item 12. *Personal services:*

Salaries:

Assistant engineers, 2 at \$3,000 each, six thousand dollars	\$6,000
Sewer registrar, one thousand five hundred dollars	1,500
Draughtsman, one thousand four hundred dollars	1,400
Draughtsmen, 7 at \$1,200 each, eight thousand four hundred dollars	8,400
Sewer clerk, one thousand four hundred dollars	1,400
Permit clerk, one thousand two hundred dollars	1,200

Inspectors of drain connections, 3 at \$1,200 each, three thousand six hundred dollars...	3,600
Supervisors of intercepting sewers, 2 at \$1,000 each, two thousand dollars.....	2,000

Total, twenty-five thousand five hundred dollars \$25,500

Item 13. *Services other than personal:*

Transportation for examination of sewers, one hundred dollars	\$100
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MAINTENANCE.

Item 14. *Services other than personal:*

(a) Reconstruction of inlets, one thousand dollars	\$1,000
(b) Repairs to old sewers, fifty thousand dollars	50,000

Total, fifty-one thousand dollars..... \$51,000

CONSTRUCTION OF BRIDGES.

OPERATION.

Item 15. *Personal services:*

Salaries:

Assistant engineer, four thousand dollars.....	\$4,000
Draughtsman, two thousand dollars.....	2,000
Draughtsmen, 2 at \$1,200 each, two thousand four hundred dollars	2,400

Total, eight thousand four hundred dollars \$8,400

TESTING OF MATERIALS.

OPERATION.

Item 16. *Personal services:*

Salaries:

Assistant engineer, three thousand dollars....	\$3,000
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First assistant, one thousand five hundred dollars	1,500
Chemist, one thousand five hundred dollars . . .	1,500
Assistant chemist, one thousand three hundred dollars	1,300
Laboratory assistants, 2 at \$1,000 each, two thousand dollars	2,000
Laboratory assistants, 3 at \$900 each, two thousand seven hundred dollars	2,700
Total, twelve thousand dollars	\$12,000

DISPOSAL OF SEWAGE.

OPERATION.

Item 17. *Personal services:*

(a) Salaries:

Assistant engineer, two thousand four hundred dollars	\$2,400
Assistant engineer, one thousand five hundred dollars	1,500
Draughtsmen, 3 at \$1,200 each, three thousand six hundred dollars	3,600
Stenographer and recording clerk, nine hundred dollars	900
Inspector of caulking, filter operator, one thousand three hundred and eighty dollars	1,380
Engineers, 3 at \$1,000 each, three thousand dollars	3,000
Watchman, seven hundred and twenty dollars	720
Assistant operators, 3 at \$900 each, two thousand seven hundred dollars	2,700

(b) Wages for extra help, laborers, not exceeding \$2.50 per day, one thousand five hundred dollars	1,500
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Total, seventeen thousand seven hundred dollars	\$17,700
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MAINTENANCE.

Item 18. Repairs to plant and equipment (Pen-
nypack), one thousand dollars..... \$1,000

Provided, That a charge of fifty (50) cents shall be made for each search of registered owners of property, to pay for wear and tear on books.

BUREAU OF WATER.

SECT. 4. Of the amount appropriated to this Department the sum of one million forty-eight thousand and two (1,048,002) dollars is for the expenses of the Bureau of Water, as follows:

ADMINISTRATION.**OPERATION.**

Item 1. *Personal services:*

Salaries:

Chief of bureau, ten thousand dollars	\$10,000
Second assistant to chief, two thousand dollars	2,000
Chief draughtsman, one thousand eight hundred dollars	1,800
Engineering clerk, one thousand five hundred dollars	1,500
Draughtsman, one thousand two hundred dollars	1,200
Draughtsmen, 2 at \$1,000 each, two thousand dollars	2,000
Draughtsmen, 2 at \$900 each, one thousand eight hundred dollars	1,800
Draughtsmen, 2 at \$800 each, one thousand six hundred dollars	1,600
Correspondence clerk, one thousand two hundred dollars	1,200
Stenographer, one thousand dollars	1,000
Clerk, eight hundred dollars	800
Chauffeur, one thousand dollars	1,000

Messenger, seven hundred and twenty dollars.	720
Janitor, seven hundred and twenty dollars...	720
Watchman, seven hundred and twenty dollars.	720

Total, twenty-eight thousand and sixty dollars \$28,060

Item 2. *Services other than personal:*

(a) Transportation, communication service and advertising, one thousand five hundred dollars	\$1,500
(b) Storage and care of automobiles, one thousand dollars	1,000

Total, two thousand five hundred dollars \$2,500

Item 3. *Supplies:*

Pamphlets, magazines and newspaper clippings, fifty dollars	\$50
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FIXED CHARGES.

Item 4. (a) Ground rent, 918 Cherry street, twenty-seven dollars	\$27
(b) Fees for automobile licenses, eighty dollars..	80

Total, one hundred and seven dollars.... \$107

AUDIT AND ACCOUNT.

OPERATION.

Item 5. *Personal services:*

Salaries:

Chief clerk, two thousand dollars.....	\$2,000
Assistant clerk, two thousand dollars.....	2,000
Assistant clerk, one thousand five hundred dollars	1,500
Assistant clerk, one thousand dollars.....	1,000
Clerks, 3 at \$1,000 each, three thousand dollars	3,000
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800

Clerks, 2 at \$800 each, one thousand six hundred dollars	1,600
General storekeeper, one thousand dollars.....	1,000
Stenographer, nine hundred dollars.....	900

Total, fourteen thousand eight hundred dollars \$14,800

OFFICE OF REGISTRAR.

OPERATION.

Item 6. *Personal services:*

(a) Salaries:

Registrar, two thousand five hundred dollars..	\$2,500
Permit clerk, one thousand three hundred dollars	1,300
Search clerk, one thousand three hundred dollars	1,300
Assistant clerk, one thousand two hundred dollars	1,200
Clerks, 3 at \$1,000 each, three thousand dollars	3,000
Clerks, 8 at \$900 each, seven thousand two hundred dollars	7,200
Clerks, 6 at \$800 each, four thousand eight hundred dollars	4,800
Stenographer, nine hundred dollars.....	900
Chief inspector, one thousand two hundred dollars	1,200
Inspectors, 43 at \$1,000 each, forty-three thousand dollars	43,000

(b) Expense of making water rent duplicates,
one thousand five hundred dollars..... \$1,500

Total, sixty-seven thousand nine hundred dollars 67,900

Item 7. *Services other than personal:*

Carfare for inspectors, seven hundred dollars.	\$700
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OFFICE OF GENERAL SUPERINTENDENT.

OPERATION.

Item 8. *Personal services:*

Salaries:

General superintendent, three thousand five hundred dollars	\$3,500
Third assistant to chief, one thousand six hundred dollars	1,600
Engineer in charge of boilers, one thousand five hundred dollars	1,500
Stenographer, nine hundred dollars.....	900
Clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Telephone operator (night), 2 at \$1,000 each, two thousand dollars	2,000
Telephone operator and clerk, eight hundred dollars	800

Total, twelve thousand one hundred dollars	\$12,100
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Item 9. *Services other than personal:*

(a) Transportation and vehicle hire, one thousand five hundred dollars	\$1,500
(b) Hauling machinery, one thousand dollars..	1,000
(c) Hauling ashes, ten thousand dollars.....	10,000
(d) Storage, repair and care of automobiles, three hundred dollars	300
(e) Rent of disinfectors and fire extinguishers, one hundred dollars	100

(f) Emergency repairs, high pressure, one thousand dollars	1,000
(g) Electric current, seven hundred dollars....	700
Total, fourteen thousand six hundred dollars . . .	\$14,600

PUMPING STATIONS.

OPERATION.

Item 10. *Personal services:*

Salaries:

Chief engineer (Lardner's Point), two thousand four hundred dollars	\$2,400
Chief engineer (Torresdale), two thousand dollars . . .	2,000
Chief engineer (Belmont, Queen Lane, Shawmont), 3 at \$1,500 each, four thousand five hundred dollars	4,500
Engineers, 7 at \$1,080 each, seven thousand five hundred and sixty dollars	7,560
Engineers, 41 at \$1,000 each, forty-one thousand dollars	41,000
Engineers (with houses), 2 at \$810 each, one thousand six hundred and twenty dollars....	1,620
Firemen, 9 at \$840 each, seven thousand five hundred and sixty dollars.....	7,560
Firemen, 110 at \$800 each, eighty-eight thousand dollars	88,000
Oilers, 110 at \$800 each, eighty-eight thousand dollars	88,000
Coal passers, 50 at \$720 each, thirty-six thousand dollars	36,000
Storekeeper (Torresdale), nine hundred and fifty dollars	950
Storekeepers, 4 at \$800 each, three thousand two hundred dollars	3,200

Clerk, nine hundred dollars	900
Special officers, 5 at \$900 each, four thousand five hundred dollars	4,500
Watchmen, 15 at \$720 each, ten thousand eight hundred dollars	10,800
Janitors, 9 at \$600 each, five thousand four hundred dollars	5,400
Superintendent (H. P. Pumping Stations), two thousand two hundred dollars.....	2,200
Assistant Superintendent (H. P. Pumping Stations), one thousand five hundred dollars..	1,500
Engineers, 2 at \$1,400 each (H. P. Pumping Stations), two thousand eight hundred dollars	2,800
Engineers, 4 at \$1,300 each (H. P. Pumping Stations), five thousand two hundred dollars	5,200
Oilers, 14 at \$800 each (H. P. Pumping Stations), eleven thousand two hundred dollars.	11,200
Janitors, 2 at \$720 each (H. P. Pumping Stations), one thousand four hundred and forty dollars	1,440
Chauffeurs, 2 at \$1,000 each (H. P. Pumping Stations), two thousand dollars.....	2,000
Engineer (Mingo Creek Pumping Station), nine hundred dollars	900
Fireman (Mingo Creek Pumping Station), seven hundred and twenty dollars.....	720
Watchman (Mingo Creek Pumping Station), six hundred dollars	600

Total, three hundred and thirty-two thousand nine hundred and fifty dollars...\$332,950

MAINTENANCE.

Item 11. *Personal services:*

Salaries:

Foreman of pipe repairs, 2 at \$1,200 each, two thousand four hundred dollars.....	\$2,400
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Caulkers (as line walkers), 3 at \$1,000 each, three thousand dollars	3,000
Laborers (as line walkers), 3 at \$720 each, two thousand one hundred and sixty dollars	2,160

Total, seven thousand five hundred and
sixty dollars \$7,560

Item 12. *Services other than personal:*

Uniforms, 14 oilers at \$40 each, five hundred and sixty dollars	\$560
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FILTRATION.

OPERATION.

Item 13. *Personal services:*

(a) Salaries:

First assistant to chief, two thousand seven hundred dollars	\$2,700
Engineer in charge of filter records, one thou- sand five hundred dollars.....	1,500
Assistant engineer, one thousand five hundred dollars	1,500
Chemists, 2 at \$2,000 each, four thousand dol- lars	4,000
Assistant chemists, 2 at \$960 each, one thou- sand nine hundred and twenty dollars.....	1,920
Bacteriologists, 2 at \$1,500 each, three thousand dollars	3,000
Assistant bacteriologists, 2 at \$1,200 each, two thousand four hundred dollars.....	2,400
Laboratory assistant, seven hundred and twenty dollars	720
Clerk, nine hundred dollars.....	900
Clerks, 3 at \$800 each, two thousand four hun- dred dollars	2,400
Superintendent of filters (Schuylkill plants), one thousand eight hundred dollars.....	1,800

Superintendent of filters (Torresdale), one thousand eight hundred dollars.....	1,800
Superintendents of filters (Queen Lane, Belmont and Roxborough), 3 at \$1,500 each, four thousand five hundred dollars.....	4,500
Foreman of filter attendants, one thousand dollars.....	1,000
Foremen of filter attendants, 6 at \$900 each, five thousand four hundred dollars.....	5,400
Filter attendants, 36 at \$800 each, twenty-eight thousand eight hundred dollars.....	28,800
Foremen of laborers, 3 at \$960 each, two thousand eight hundred and eighty dollars.....	2,880
Watchmen, 5 at \$720 each, three thousand six hundred dollars.....	3,600
(b) Wages:	
Laborers, 275 at \$2 per day; laborers, 12 at \$2.50 per day; laborers, 5 at \$3 per day, seventy-five thousand dollars.....	75,000
(c) Hire of single and double teams, with drivers, one thousand dollars.....	1,000
Total, one hundred and forty six thousand eight hundred and twenty dollars.	
	\$146,820

EQUIPMENT AND REPAIRS.

MAINTENANCE.

Item 14. *Personal services:*

(a) Salaries:

Foreman of machinists, two thousand dollars..	\$2,000
Inspector, one thousand eight hundred dollars	1,800
Superintendent of shop, one thousand five hundred dollars.....	1,500
Clerk to superintendent of shop, nine hundred dollars.....	900

Clerk, eight hundred dollars	800
Foreman of shop, one thousand four hundred dollars	1,400
Foreman of riggers, one thousand dollars.....	1,000
Assistant foreman of riggers, nine hundred dollars	900
Lineman, one thousand two hundred dollars...	1,200
Blacksmith, one thousand two hundred dollars	1,200
Blacksmith's helper, one thousand dollars....	1,000

(b) Wages:

Engineer, \$3 per day; driver, \$2.25 per day; machinists, 7 at \$4.25 per day; 45 at \$3.75 per day; 3 at \$3.50 per day; machinists' helpers, 30 at \$2.50 per day; boilermakers, 12 at \$4 per day; boilermakers' helpers, 11 at \$3 per day; painters, 2 at \$3.60 per day; carpenters, 2 at \$4 per day; bricklayers, 5 at \$5 per day; tinsmith, \$3 per day; pattern-makers, 4 at \$4 per day; blacksmiths, 4 at \$3.75 per day; blacksmiths' helpers, 5 at \$2.50 per day; crane runners, 2 at \$3 per day; diver, \$3.50 per day; laborers, 6 at \$3 per day; laborers, 14 at \$2.50 per day; laborers, 165 at \$2 per day; one hundred and twenty-five thousand dollars..... 125,000

(c) Repairs and replacements, ten thousand dollars..... 10,000

Total, one hundred and forty-eight thousand seven hundred dollars.....\$148,700

STRUCTURAL REPAIRS.

MAINTENANCE.

Item 15. *Personal services:*

(a) Salaries:

Assistant to general superintendent, one thousand five hundred dollars \$1,500

Foreman of bricklayers, one thousand six hundred dollars	1,600
Foreman of carpenters, one thousand two hundred dollars	1,200
Foreman of painters, one thousand dollars...	1,000
Foreman of laborers, nine hundred and sixty dollars	960
(b) Wages, as follows Machinists, 2 at \$3.75 per day; machinists' helper, 1 at \$2.50 per day; painters, 5 at \$3.60 per day; carpenters, 10 at \$4 per day; bricklayers, 2 at \$5 per day; tin-smiths, 3 at \$3 per day; laborers, 222 at \$2 per day, sixty thousand dollars.....	60,000
(c) Hire of single and double teams, with drivers, five thousand dollars	5,000
Total, seventy-one thousand two hundred and sixty dollars	\$71,260

DISTRIBUTION SYSTEM.

OPERATION.

Item 16. *Personal services:*

Salaries:

Assistant engineer, two thousand five hundred dollars	\$2,500
Pipe inspector, one thousand five hundred dollars	1,500
Pipe clerk, one thousand dollars.....	1,000
Inspectors, 2 at \$1,000 each, two thousand dollars	2,000
Clerk, one thousand dollars.....	1,000
Assistant clerks, 3 at \$900 each, two thousand seven hundred dollars.....	2,700
Clerks, 2 at \$800 each, one thousand six hundred dollars	1,600
Stenographer, nine hundred dollars.....	900

Total, thirteen thousand two hundred dollars

\$13,200

Item 17. *Services other than personal:*

(a) Transportation, one thousand dollars.....	\$1,000
(b) Hauling water pipe, one thousand dollars..	1,000
(c) Hotel expenses, pipe inspectors, one thousand two hundred and fifty dollars.....	1,250

Total, three thousand two hundred and
fifty dollars \$3,250

METER INSTALLATION.

OPERATION.

Item 18. *Personal services:*

Salaries:

Foreman of plumbers, one thousand dollars..	\$1,000
Superintendent of meters, one thousand five hundred dollars	1,500
Clerk, nine hundred dollars.....	900

Total three thousand four hundred dol-
lars \$3,400

MAINTENANCE.

Item 19. *Personal services:*

Wages, as follows: Plumber, at \$3.50 per day; plumber's helper, at \$2.50 per day; machin- ist, at \$3.75 per day; laborers, at \$3 per day, \$2.50 per day and \$2 per day; ten thou- sand dollars	\$10,000
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INSPECTION OF DISTRIBUTION.

OPERATION.

Item 20. *Personal services:*

Salaries:

Purveyors, 7 at \$1,480 each, ten thousand three hundred and sixty dollars.....	\$10,360
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Purveyors' clerks, 6 at \$900 each, five thousand four hundred dollars.....	5,400
Purveyors' assistant clerks, 7 at \$800 each, five thousand six hundred dollars.....	5,600
Yardkeeper, first district, nine hundred dollars	900
Yardkeeper, fourth district, nine hundred and fifteen dollars	915
Hydrant inspectors, 10 at \$800 each, eight thousand dollars	8,000
General foremen, 7 at \$1,200 each, eight thousand four hundred dollars.....	8,400
Stop attendants, one thousand dollars.....	1,000
Watchmen, 8 at \$720 each, five thousand seven hundred and sixty dollars.....	5,760
Drivers, 27 at \$2.25 per day, eight thousand dollars	8,000

Total, fifty-four thousand three hundred and thirty-five dollars..... \$54,335

Item 21. *Services other than personal:*

Care of animals, clipping, cleaning, shoeing and veterinary services, two thousand dollars	2,000
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MAINTENANCE.

Item 22. *Personal services:*

(a) Salaries:

Foreman of repairs, 9 at \$850 each, seven thousand six hundred and fifty dollars.....	\$7,650
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(b) Wages, as follows: Plumbers, at \$3.60 per day; caulkers, 45 at \$3 per day; drillers, 8 at \$3 per day; pitometer operators, 6 at \$3.50 per day; laborers, 2 at \$3.50 per day; laborers, 24 at \$3 per day; laborers, 17 at \$2.50 per day; laborers, 284 at \$2 per day; one hundred thousand dollars	100,000
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Total, one hundred and seven thousand six hundred and fifty dollars.....\$107,650

Item 23. *Services other than personal:*

(a) Repairs to wagons, carts and harness, one thousand dollars	\$1,000
(b) Storage, care and repairs to automobiles and motor trucks, one thousand five hundred dollars	1,500
(c) Hire of single and double teams, with drivers, three thousand dollars	3,000

Total, five thousand five hundred dollars. \$5,500

Provided, That no employee be carried on the pay roll longer than one week in case of sickness unless physically injured in his line of duty.

Provided further, That nothing in this ordinance shall prevent the Director of the Department of Public Works from laying water pipe or making repairs by day's work or from the employment of any additional service in the Bureau of Water when the exigencies require.

BUREAU OF CITY PROPERTY.

SECT. 5. Of the amount appropriated to this Department, the sum of five hundred and eight thousand four hundred and ninety (508,490) dollars is for the expenses of the Bureau of City Property, as follows:

EXECUTIVE.

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief of bureau, four thousand three hundred dollars	\$4,300
Chief clerk, one thousand seven hundred and fifty dollars	1,750
Chauffeur, one thousand dollars	1,000

Total, seven thousand and fifty dollars... \$7,050

Item 2. *Equipment:*

Repairs, maintenance and license fees for automobiles, one thousand dollars..... \$1,000

FIXED CHARGES.

Item 3.

(a) Ground rents, four hundred and seventy-three dollars	\$473
(b) Interest on mortgage on Broad and Arch streets, thirty thousand dollars.....	30,000
(c) Light for military organizations, six thousand three hundred dollars.....	6,300
(d) Taxes on Lazaretto property, Delaware County, four hundred and fifty dollars.....	450

Total, thirty-seven thousand two hundred and twenty-three dollars \$37,223

Provided, That the general allowance for electric and gas light for military organizations shall be at the rate of one hundred (100) dollars for each company, and that the First, Second and Third Regiments and State Fencibles shall be allowed one hundred and fifty (150) dollars; Philadelphia Battalion, Sixth Regiment, First and Second Troops, P. C. C., "Troop A." Cavalry, Naval Reserves, Company B, Engineer's Battalion, Troop G, Cavalry, Cavalry Squadron headquarters, seventy-five (75) dollars each additional for headquarters and armory: *Provided also*, Any bills in excess of the sum allowed to each organization shall be settled and paid in full by said organization before the last payment shall be made from this appropriation: *Provided further*, That no warrant shall be drawn against this item in favor of any of the organizations named until all the bills due for lighting by said organizations shall be paid, the light to be used exclusively by said organizations.

CAPITAL OUTLAY.

Item 4. Payment of instalment of purchase money due on April 1, on property on Broad and Arch streets, one hundred thousand dollars.\$100,000

AUDITS AND ACCOUNTS.

OPERATION.

Item 5. *Personal services:*

Salaries:

Clerk, one thousand five hundred dollars.....	\$1,500
Clerk, one thousand one hundred dollars.....	1,100
Clerks, 2 at \$1,000 each, two thousand dollars	2,000
Stenographer or clerk, nine hundred dollars..	900
Clerk and messenger, one thousand dollars....	1,000
Clerks of markets, 3 at \$375 each, one thousand one hundred and twenty-five dollars.....	1,125

Provided, That no stall be leased to any person not a citizen, nor shall any person have more than three stalls.

Stenographer, nine hundred dollars	900
Typewriter, seven hundred and twenty dollars	720

Total, nine thousand two hundred and
forty-five dollars \$9,245

Item 6. *Services other than personal:*

Transportation, storage and care of vehicles,
communication service, printing, engraving,
binding, including mimeographing and dupli-
cating work, advertising and publication of
notices, two thousand four hundred dollars.. \$2,400

PUBLIC BUILDINGS.

OPERATION.

Item 7. *Personal services:*

(a) Salaries:

Architectural draughtsman, two thousand one hundred dollars	\$2,100
Draughtsman, one thousand five hundred dollars	1,500
Draughtsman, one thousand two hundred dollars	1,200

Superintendent of real estate, one thousand five hundred dollars	1,500
Assistant superintendent, City Hall, two thousand dollars	2,000
Caretaker of City Hall clocks, one thousand dollars	1,000
Superintendent, Independence Hall, eight hundred dollars	800
Assistant superintendent, Independence Hall, five hundred dollars	500
Curator, Independence Hall, nine hundred dollars	900
Special officer, Independence Hall, eight hundred dollars	800
Engineer, Independence Hall, nine hundred dollars	900
Fireman, Independence Hall (8 months), four hundred dollars	400
Guards, Independence Hall, 5 at \$720 each, three thousand six hundred dollars.....	3,600
Night watchmen, Independence Hall, 3 at \$720 each, two thousand one hundred and sixty dollars	2,160
Superintendent, Germantown Hall, six hundred dollars	600
Janitress, three hundred and sixty dollars....	360
Janitor, grand and petit jury rooms, seven hundred and twenty dollars.....	720
Janitors of courts, 27 at \$720 each, nineteen thousand four hundred and forty dollars...	19,440
Guides, City Hall, 7 at \$3 per day; receiver, \$3 per day; timekeeper, \$3 per day; foreman of cleaners and janitors, \$4 per day; sweepers and cleaners, 53 at \$2 per day; janitresses, 10 at \$1.75 per day; scrubbers and cleaners, Independence Hall, 3 at \$1.50 per day; lavatory attendants, 17 at \$2 per day; foreman rigger, \$5 per day; riggers, 3 at	

\$3.60 per day; foreman laborers, \$3.25 per day; laborers, skilled, 10 at \$2.25 per day; laborers, 35 at \$2 per day; ninety-seven thousand two hundred and eighty-seven dollars..	97,287
(b) Winding clocks in public buildings, four hundred and seventy-five dollars.....	475
Total, one hundred and thirty-eight thousand two hundred and forty-two dollars.	\$138,242

Item 8. *Services other than personal:*

(a) Removal of ashes and rubbish from City Hall, five thousand dollars.....	\$5,000
(b) Removal of ashes and rubbish from Independence and Congress Halls, three hundred dollars	300
(c) Hauling ice and snow from pavements in front of State House Row, public halls and squares, five hundred dollars.....	500
(d) Cleaning of cesspools, two hundred dollars..	200
(e) Towel service, five hundred dollars.....	500
(f) Carfare, postage, printing and duplicating work, five hundred dollars	500
(g) Care of lazaretto, one hundred and twenty dollars	120
(h) Repairs to Independence Hall clock, four hundred dollars	400
Total, seven thousand five hundred and twenty dollars	\$7,520

Item 9. *Supplies:*

(a) Gas, station and fire houses, Northern Liberties Gas Works and House of Correction, five hundred dollars	\$500
(b) Uniforms, 18 at \$40 each, seven hundred and twenty dollars	720
Total, one thousand two hundred and twenty dollars	\$1,220

MAINTENANCE.

Item 10. *Personal services:*

Salaries:

Fresco painters, \$3.82 per day; painters, \$3 per day; foreman bricklayers, \$5 per day; bricklayers, \$5 per day; hodman, \$3.50 per day; bricklayer's helpers, \$2 per day; foreman plumber, \$5 per day; plumbers, \$4 per day; gasfitter, \$3 per day; plumber and gasfitter's helpers, \$2.25 per day; steamfitters, \$3.50 per day, including Edw. Hilt, who was injured while on duty; steamfitter's helpers, \$2.75 per day; foreman carpenter, \$5 per day; carpenters, \$4 per day; sixty-nine thousand seven hundred dollars..... 69,700

Item 11. *Services other than personal:*

(a) Repairs and maintenance, City Hall, five thousand dollars	\$5,000
(b) Repairs and maintenance, Independence Hall, one thousand dollars	1,000
(c) Repairs and other expenses to Town Hall, Germantown, one hundred dollars.....	100
(d) Repairs to property owned by and used for City purposes, including City burial grounds, one thousand dollars	1,000
(e) Cleaning and repairs of public clocks, two hundred and fifty dollars.....	250
(f) Repairs to market houses, one thousand dollars	1,000

Total, eight thousand three hundred and fifty dollars \$8,350

SQUARES AND PARKS.

OPERATION.

Item 12. *Personal services:*

(a) Salaries:

Superintendent of League Island Park, one thousand dollars \$1,000

Superintendents of squares, 44 at \$800; 8 at \$600, forty thousand dollars	40,000
Superintendent of Northeast Boulevard, one thousand dollars	1,000
Landscape gardener, one thousand seven hundred dollars	1,700
Caretaker at Frankford burial ground, three hundred dollars	300
Attendants (male) at public toilet rooms in squares, 2 at \$480 each, nine hundred and sixty dollars	960
Attendants (male) at public toilet rooms in squares, 2 at \$400 each, eight hundred dollars	800
Attendants (female) at public toilet rooms in squares, 6 at \$300 each, one thousand eight hundred dollars	1,800
Laborers in squares, 40 at \$2 per day each, twenty-five thousand and forty dollars.....	25,040
Laborers in squares, at \$2 per day each, and laborers shoveling snow and ice from pavement in front of State House Row, City halls and public squares, ten thousand dollars	10,000
(b) Municipal Band and attendance (small parks and squares), fifteen thousand dollars.....	15,000
<i>Provided</i> , Any extra services rendered be at the contract price, and a clause be inserted in the contract that in case of rain there shall be no charge.	
(c) Philadelphia Band and attendance (City Hall Plaza), fifteen thousand dollars.....	15,000
<i>Provided</i> , Any extra services rendered be at the contract price, and that a clause be inserted in the contract that in case of rain there shall be no charge.	

(d) Band in Gorgas Park, three hundred dollars	300
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Total, one hundred and twelve thousand nine hundred dollars.....	\$112,900
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Item 13. *Services other than personal:*

(a) Carfare, one hundred dollars.....	\$100
(b) Removal of ashes and rubbish, five thousand dollars	5,000

Total, five thousand one hundred dollars..	\$5,100
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Item 14. *Supplies:*

Uniforms, two thousand two hundred and forty dollars	\$2,240
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MAINTENANCE.

Item 15. *Services other than personal:*

(a) Repairs to flags, flag poles, window shades and awnings, five hundred dollars.....	\$500
(b) Care of Philadelphia Brigade Park on An- tietam Battlefield, two hundred dollars.....	200
(c) General repairs to Morgue, five hundred dol- lars	500
(d) Manuring and sodding in squares and re- pairs, five thousand dollars	5,000
(e) Water rent, Tacony Park, one hundred dol- lars	100

Total, six thousand three hundred dollars.	\$6,300
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BUREAU OF LIGHTING.

SECT. 6. Of the amount appropriated to this Department, the sum of five hundred and ninety-three thousand and twenty-four (593,024) dollars is for the expenses of the Bureau of Lighting, as follows:

OPERATION.

Item 1. *Personal services:*

(a) Salaries:

Chief of Bureau, two thousand dollars.....	\$2,000
Chief clerk, one thousand two hundred dollars	1,200
Clerk, nine hundred dollars.....	900
Inspectors, 4 at \$1,000 each, four thousand dollars	4,000

(b) Cleaning offices, ninety dollars.....	90
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Total, eight thousand one hundred and ninety dollars \$8,190

Item 2. *Services other than personal:*

(a) Transportation, subsistence and care of animals, storage and care of vehicles, communication service and advertising, two thousand dollars	\$2,000
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(b) Incandescent lighting, five hundred and fifty thousand dollars	550,000
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Provided, That each lamp shall be fifty candle power: *Provided further,* No naphtha lamp shall be located on any street where gas mains are laid, and no naphtha lamp shall be located or relocated without authority of Councils.

(c) Incandescent lighting of not less than fifty (50) candle power, in the outlying parts of the City where gas mains are now or may hereafter be laid, seventeen thousand four hundred dollars	17,400
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(d) Incandescent lighting, additional lights, ten thousand dollars	10,000
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(e) Lighting Northern Liberties district, one thousand three hundred and thirty-four dollars	1,334
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Total, five hundred and eighty thousand seven hundred and thirty-four dollars..\$580,734

MAINTENANCE.

Item 3. Repairs to vehicles and harness, one hundred dollars	\$100
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CAPITAL OUTLAY.

Item 4. Additional incandescent lamps, all new posts to be furnished at the rate of seven (7) dollars and fifty (50) cents each, four thousand dollars	\$4,000
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Provided, No new lamps shall be located without resolution of Councils.

BUREAU OF HIGHWAYS.

SECT. 7. Of the amount appropriated to this Department the sum of three million one hundred and ten thousand three hundred and thirty-seven (3,110,337) dollars is for the expenses of the Bureau of Highways, as follows:

DIVISION OF ADMINISTRATION.

OPERATION.

Item 1. *Personal services:*

Salaries:

Chief of Bureau, six thousand dollars.....	\$6,000
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Provided, That the City Controller shall require an affidavit monthly from the Chief of this Bureau that he has given his entire time and undivided attention to the duties of his office.

Assistant engineers, 2 at \$4,000 each, eight thousand dollars	\$8,000
Assistant engineer, three thousand dollars.....	3,000
Assistant engineer, two thousand five hundred dollars	2,500
Assistant engineers, 2 at \$2,100 each, four thousand two hundred dollars.....	4,200

Assistant engineers, 4 at \$1,800 each, seven thousand two hundred dollars.....	7,200
Inspectors, 4 at \$1,500 each, six thousand dollars	6,000
Entomologist, one thousand five hundred dollars	1,500
Inspectors, 4 at \$1,300 each, five thousand two hundred dollars	5,200
Stenographer or clerk, one thousand one hundred dollars	1,100
Stenographers or clerks, 2 at \$900 each, one thousand eight hundred dollars.....	1,800
Stenographer or clerk, seven hundred and twenty dollars	720
Telephone operator, six hundred dollars.....	600
Chauffeurs, 3 at \$1,000 each, three thousand dollars	3,000
Messenger, nine hundred dollars.....	900
Messenger, eight hundred dollars.....	800
Janitress, four hundred and eighty dollars....	480
Janitress, three hundred dollars.....	300
Total, fifty-three thousand three hundred dollars	\$53,300

Item 2. *Services other than personal:*

(a) Transportation, meals, communication service and advertising, one thousand dollars.....	1,000
(b) Storage and care of 3 automobiles, six hundred dollars	600

Total, one thousand six hundred dollars.. \$1,600

Item 3. *Supplies:*

Books, pamphlets, magazines, newspapers and miscellaneous, three hundred dollars.....	\$300
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MAINTENANCE.

Item 4 (a) Repairs to automobiles, three hundred dollars	\$300
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(b) Miscellaneous, one hundred dollars.....	100
Total, four hundred dollars.....	\$400

FIXED CHARGES.

Item 5 (a) Rent of district offices and yards, four thousand dollars	\$4,000
(b) Fees for licenses, 3 automobiles at \$10 each, thirty dollars	\$30
Total, four thousand and thirty dollars...	\$4,030

AUDIT AND ACCOUNT.

OPERATION.

Item 6. *Personal services:*

Salaries:

Chief clerk, two thousand eight hundred dol- lars	\$2,800
Assistant chief clerk, two thousand dollars....	2,000
Clerk, one thousand eight hundred dollars....	1,800
Clerks, 5 at \$1,400 each, seven thousand dol- lars	7,000
Clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200
Requisition clerk, one thousand dollars.....	1,000
Clerks, 2 at \$1,000 each, two thousand dollars	2,000
Clerk, nine hundred dollars	900
Total, nineteen thousand seven hundred dollars	\$19,700

PERMITS AND LICENSES.

OPERATION.

Item 7. *Personal services:*

Supervisor, two thousand one hundred dollars.	\$2,100
License clerk, one thousand two hundred dollars	\$1,200

Assistant license clerk, nine hundred dollars. . .	900
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Total, four thousand two hundred dollars	\$4,200
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BOARD OF HIGHWAY SUPERVISORS.

OPERATION.

Item 8. *Personal services:*

Salaries:

Chief draughtsman, one thousand five hundred dollars	\$1,500
Draughtsmen, 2 at \$1,200 each, two thousand four hundred dollars	2,400
Draughtsmen, 7 at \$950 each, six thousand six hundred and fifty dollars.	6,650
Draughtsmen, 3 at \$800 each, two thousand four hundred dollars	2,400
Clerk, nine hundred dollars.	900
Janitress, one hundred and eighty dollars.	180

Total, fourteen thousand and thirty dollars	\$14,030
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Item 9. *Services other than personal:*

Transportation and miscellaneous, fifty dollars	\$50
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INSPECTION.

OPERATION.

Item 10. *Personal services:*

Salaries:

Inspectors, 56 at \$1,300 each, seventy-two thousand eight hundred dollars.	\$72,800
Inspectors (when employed) at \$82.50 and \$100 per month each, seventy thousand dollars	70,000

Total, one hundred and forty-two thousand eight hundred dollars.	\$142,800
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Item 11. *Services other than personal:*

(a) Transportation and meals, three thousand dollars	\$3,000
(b) Boarding, stabling, storage and care of animals, five thousand dollars	5,000
(c) Horseshoeing, five hundred dollars	500
(d) Storage and care of motorcycles (5), six hundred dollars	600
(e) Repairs to motorcycles, one hundred dollars.	100

Total, nine thousand two hundred dollars \$9,200

DISTRICT OFFICES OF ASSISTANT
ENGINEERS.

OPERATION.

Item 12. *Personal services:*

Salaries:

Assistant engineers, 8 at \$2,500 each, twenty-thousand dollars	\$20,000
Inspectors, 8 at \$1,500 each, twelve thousand dollars	12,000
Typewriters and clerks, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760
Yard watchmen, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760

Total, forty-three thousand five hundred and twenty dollars \$43,520

Item 13. *Services other than personal:*

(a) Transportation, two hundred dollars	\$200
(b) Storage and care of automobiles, one thousand dollars	1,000
(c) Electric light, seventy-five dollars	75
(d) Fees for licenses, 6 automobiles, sixty dollars	60

(e) Repairs to automobiles, one thousand two hundred and fifty dollars.....	1,250
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Total, two thousand five hundred and eighty-five dollars	\$2,585
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CONSTRUCTION AND MAINTENANCE.

Item 14. *Personal services:*

(a) For resurfacing and repairing paved streets by contract, five hundred and thirty thousand dollars	\$530,000
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(b) For repairing and maintaining by contract unpaved and gravel streets, roads, trunks, drains and bridges, not exceeding eight (8) feet span, and constructing new iron culverts, wooden trunks, steps and hand rails, and placing broken stone, cinders and gravel on country roads, including the removal of ashes from Shawmont and Roxborough Pumping Stations and placing the same on country roads in the Twenty-first and Twenty-second Wards, west of the Wissahickon drive, one hundred thousand dollars	100,000
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(c) Meadow banks and water courses: foremen, at \$4 per day; laborers at \$2 per day; ten thousand dollars	10,000
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(d) Emergency repairs on all classes of streets and roads—labor, equipment and teams, fifteen thousand dollars	15,000
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Total, six hundred and fifty-five thousand dollars	\$655,000
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Item 15. *Services other than personal:*

(a) Repairing around fire plugs and breaks in footways, for other municipal purposes, to include patent pavements, two thousand dollars..	\$2,000
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(b) For sprinkling macadamized roads, twenty-five thousand dollars	25,000
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(c) Rent of storage locations (meadow banks and water courses), three hundred dollars.....	300
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Total, twenty-seven thousand three hundred dollars \$27,300

CAPITAL OUTLAY.

Item 16. Grading, curbing, paving and repaving footways and resetting curbs in front of City and non-assessable properties, five thousand dollars	\$5,000
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STREET CLEANING.

OPERATION.

Item 17. *Personal services:*

Salaries:

Clerk, one thousand eight hundred dollars....	\$1,800
Clerk, one thousand two hundred dollars.....	1,200
Complaint receiver, nine hundred dollars.....	900
Clerk, nine hundred dollars.....	900
Stenographers or clerks, 2 at \$720 each, one thousand four hundred and forty dollars....	1,440
Chauffeur, one thousand dollars	1,000

Total, seven thousand two hundred and forty dollars \$7,240

Item 18. *Services other than personal:*

(a) Removal and disposal of garbage and dead animals, two hundred and eighty-eight thousand five hundred and eighty-eight dollars....	288,588
(b) Removal of snow and ice, two thousand five hundred dollars	2,500
(c) Cleaning and sprinkling of streets and removal of ashes and house waste, one million seven hundred and eleven thousand four hundred and twenty-four dollars.....	1,711,424

Total, two million two thousand five hundred and twelve dollars.....\$2,002,512

BRIDGES AND SEWERS—ENGINEERING.

OPERATION.

Item 19. *Personal services:*

Salaries:

Assistant engineer, two thousand five hundred dollars	\$2,500
Assistant engineer, two thousand one hundred dollars	2,100
Assistant engineer, one thousand five hundred dollars	1,500
Inspectors, 3 at \$1,300 each, three thousand nine hundred dollars	3,900
Draughtsman, one thousand dollars	1,000
Clerks, 3 at \$900 each, two thousand seven hundred dollars	2,700
Stenographer or clerk, seven hundred and twenty dollars	720

Total, fourteen thousand four hundred and twenty dollars \$14,420

Item 20. *Services other than personal:*

Transportation, one thousand dollars \$1,000

BRIDGES AND SEWERS—OPERATION.

Item 21. *Personal services:*

Salaries:

Drawbridge operators, 9 at \$1,000 each, nine thousand dollars	\$9,000
Gate men and operators, 8 at \$720 each, five thousand seven hundred and sixty dollars	5,760
Gate men, 10 at \$720 each, seven thousand two hundred dollars	7,200
Watchmen, 2 at \$720 each, one thousand four hundred and forty dollars	1,440

Total, twenty-three thousand four hundred dollars \$23,400

BRIDGES AND SEWERS—BRIDGE MAINTENANCE.

Item 22. *Personal services:*

Wages, as follows: Foremen, \$100 per month each; bridge constructors, \$3.60 per day; ironworkers, \$4.50 per day; stonemasons, \$4 per day; painters, \$3.60 per day; laborers, \$2.50 and \$2 per day, twenty-four thousand dollars \$24,000

Item 23. *Services other than personal:*

(a) Hire of teams for hauling, one thousand dollars	\$1,000
(b) Repairs to and painting bridges, thirty thousand dollars	30,000
(c) Repairs to equipment, tools, etc., five hundred dollars	500
(d) Hire of equipment, with or without operators, and supplies, five hundred dollars	500

Total, thirty-two thousand dollars \$32,000

BRIDGES AND SEWERS—SEWER MAINTENANCE.

MAINTENANCE.

Item 24. *Personal services:*

Wages, as follows: Foremen, \$100 per month each; sewer constructors, \$5 per day each; assistant foremen, \$3 per day each; laborers, \$2.50 and \$2 per day each, twenty thousand dollars \$20,000

Item 25. *Services other than personal:*

Hire of teams for hauling, one thousand seven hundred and fifty dollars	\$1,750
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FIXED CHARGES.

Item 26. (a) Rent of equipment, five hundred dollars	\$500
(b) Repairs to equipment, tools, etc., five hundred dollars	500
Total, one thousand dollars	\$1,000

SECT. 8. The Director shall be allowed, when it is in his judgment to the best interests of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding the sum of five hundred (500) dollars each.

SECT. 9. When the Director of the Department of Public Works is obliged to employ labor to do work under neglected or annulled contracts, then payments shall be made from item against which such contracts are charged, and the amount so paid charged against the contractor on the amount set aside for such neglected or annulled contracts.

SECT. 10. That all bids shall be opened and all contracts awarded in the presence of the Committee of Councils having supervision.

SECT. 11. That the money appropriated for uniforms in this Department shall be paid to each man.

SECT. 12. Warrants shall be drawn as follows: For employees in the District Surveyor's Office (Bureau of Surveys), one warrant, payable monthly.

For Bureau of Highways: For employees on sewers, bridges, meadow banks and water courses, one warrant for each class of work, payable semi-monthly.

For Bureau of Water and Filtration: For employees at the pumping and filtration stations, one warrant for each station, payable monthly.

The following employees in the Bureau of Water and Filtration to be paid semi-monthly: For the employees in the Purveyor's district, one warrant for each district;

for the employees of the City construction and repair shop, one warrant; for the employees upon the improvement roll, one warrant; for the employees upon the building, grounds, and reservoir, one warrant; for laborers, at filtration stations, one warrant for each station. Warrants for the Director's office shall be drawn by the Director, and all other warrants by the Chiefs of the respective Bureaus, and shall be approved by the Director.

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United State, and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment.

Provided also, That before the City Controller shall countersign any warrant for the payment of wages or salaries for any employees in this Department he shall require an affidavit from the Chiefs of the respective Bureaus that said employees actually were performing the work for which they were appointed and were taken from the eligible lists certified by the Civil Service Commission for such character of work.

Provided further, That before any warrants for contract work are countersigned by the City Controller, the contractor shall file an affidavit with him that none but American citizens have been employed on the work, in accordance with the provisions of the ordinance of Councils, entitled "An Ordinance for the employment only of American citizens by contractors doing work for the City of Philadelphia," approved by the Mayor, December 16, 1896: *Provided further*, That in work in which the cost is paid whole or in part from assessments of benefits the affidavit shall not be required.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To make an appropriation to the Department of Supplies,
for the year 1914.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the sum of two million three thousand seven hundred and fifty-five (2,003,755) dollars be, and the same is hereby appropriated to the Department of Supplies, for the year 1914.

EXECUTIVE.

Of the amount appropriated to this Department the sum of sixty-two thousand two hundred and eighty (62,280) dollars is for the expenses of the Director's Office, as follows:

Item 1. *Personal services:*

ADMINISTRATION.

Salaries:

Director, ten thousand dollars	\$10,000
Assistant director, four thousand dollars....	4,000
Chief clerk, two thousand five hundred dollars.	2,500
Auditor, one thousand eight hundred dollars...	1,800
Confidential clerk, one thousand two hundred dollars	1,200
Warrant clerk, one thousand two hundred dollars	1,200
Requisition clerk, one thousand five hundred dollars	1,500
Stenographer, one thousand two hundred dollars	1,200
File clerk, one thousand dollars	1,000
Assistant warrant clerks, 2 at \$1,100 each, two thousand two hundred dollars	2,200

Bookkeepers, 4 at \$1,000 each, four thousand dollars	4,000
Inspectors, 6 at \$1,200 each, seven thousand two hundred dollars	7,200
Bill clerk, nine hundred dollars	900
Miscellaneous clerks, 2 at \$900 each, one thousand eight hundred dollars	1,800
Assistant stenographers, 2 at \$900 each, one thousand eight hundred dollars	1,800
Assistant requisition clerk, nine hundred dollars	900
Assistant file clerk, nine hundred dollars.....	900
Messenger, nine hundred dollars.....	900
Janitor, four hundred and eighty dollars.....	480
Weigher, eight hundred dollars.....	800
Total, forty-six thousand two hundred and eighty dollars	\$46,280
Item 2. Wages for extra clerks, six thousand dollars	\$6,000
Item 3. For transportation, meals, postage, advertising, printing, binding and towel service, seven thousand five hundred dollars.....	7,500
Item 4. For stationery and ice, one thousand dollars	1,000
Item 5. For furniture, furnishings and office equipment, five hundred dollars	500
Item 6. Miscellaneous, one thousand dollars...	1,000

SECT. 2. Of the amount appropriated to this Department the sum of sixty-seven thousand seven hundred (67,700) dollars is for the expenses of the Mayor, Civil Service Commission, Department of Law, Receiver of Taxes and Art Jury, as follows:

MAYOR.

Item 1. For printing, binding, engraving, including the Mayor's annual message and accompanying documents, fourteen thousand dollars..	\$14,000
Item 2. For stationery, gasoline, wearing apparel, three thousand dollars	3,000
Item 3. For furniture, furnishings, equipment and parts of automobiles, one thousand two hundred dollars	1,200
Item 4. Miscellaneous, one thousand dollars...	1,000

FREE LIBRARY.

Item 1. For printing, binding and towel service, three hundred dollars	\$300
Item 2. For stationery, printing, ice, wearing apparel, cleaning and toilet supplies, six thousand dollars	6,000
Item 3. For fuel, including lighting and burning oils, four thousand five hundred dollars..	4,500
Item 4. For furniture and furnishing heat, light and electrical equipment, one thousand dollars.	1,000
Item 5. Miscellaneous, one thousand dollars...	1,000

Provided, That no supplies are purchased for any Carnegie Branches out of these items.

PHILADELPHIA MUSEUMS.

Item 1. For stationery, printing supplies, ice, forage, draughting, scientific, educational, mechanics', engineers', electrical and cleaning supplies, three thousand five hundred dollars..	\$3,500
Item 2. For fuel, including illuminating and burning oils, three thousand dollars.....	3,000
Item 3. For fuel, including illuminating and burning oils, on account of the Department of Public Health and Charities, four thousand dollars	4,000

Item 4. For lumber, paints, varnishes, roofing and building materials, seven hundred dollars.	700
Item 5. For furniture and furnishings, heat, light, power, electrical, scientific, recreational and special equipment, one thousand dollars..	1,000
Item 6. Miscellaneous, one thousand dollars...	1,000

CIVIL SERVICE COMMISSION.

Item 1. For printing, binding, engraving and towel service, one thousand two hundred and fifty dollars	\$1,250
Item 2. For stationery, ice, draughting, cleaning and toilet supplies, one thousand seven hundred and fifty dollars	1,750
Item 3. For furniture, office furnishings and special equipment, five hundred dollars	500
Item 4. Miscellaneous, five hundred dollars ...	500

LAW DEPARTMENT.

Item 1. For stationery, printing, paper books, ice and cleaning supplies, five thousand five hundred dollars	5,500
Item 2. For furniture, office furnishings and equipment, two hundred and fifty dollars...	250
Item 3. Miscellaneous, two hundred and fifty dollars	250

RECEIVER OF TAXES.

Item 1. For printing, binding and towel service, two hundred and fifty dollars	\$250
Item 2. For stationery, printing, ice and cleaning supplies, ten thousand dollars.....	10,000
Item 3. For furniture, furnishings and equipment, two hundred and fifty dollars	250
Item 4. Miscellaneous, five hundred dollars ...	500

ART JURY.

Item 1. For stationery, printing, ice and towel service, seven hundred and fifty dollars.....	\$750
Item 2. For furniture, office furnishings and equipment, five hundred dollars.....	500
Item 3. Miscellaneous, two hundred and fifty dollars	250

PUBLIC HEALTH AND CHARITIES.

SECT. 3. Of the amount appropriated to this Department the sum of seven hundred and ninety thousand (790,000) dollars is for the expenses of the Department of Public Health and Charities, as follows:

DIRECTOR'S OFFICE.

Item 1. For printing, engraving and towel service, one thousand five hundred dollars.....	\$1,500
Item 2. For stationery and ice, three hundred and fifty dollars	350
Item 3. For furniture and furnishings and equipment, one hundred and fifty dollars.....	150
Item 4. Miscellaneous, five hundred dollars...	500

HEALTH.

Item 5. For stationery, printing, books and ice, ten thousand dollars	\$10,000
Item 6. For fuel, including illuminating and burning oils and gases, forty thousand dollars.	40,000
Item 7. For milk, cream, meats, vegetables, flour, groceries, marketing and other edibles, seventy thousand dollars	70,000

Provided, That the City Controller shall countersign warrants for marketing upon the approval of bills of the Superintendent of the Hospital for Contagious Diseases by the Directors of the De-

partments of Public Health and Charities and Supplies, without advertising.

Item 8. For dry goods, notions, wearing apparel, etc., ten thousand dollars	10,000
Item 9. For vaccine virus and other biological products, drugs and hospital supplies, eye and dental supplies, laboratory supplies and disinfectants and soaps, twenty-five thousand dollars	25,000
Item 10. For antitoxin, three thousand dollars.	3,000
Item 11. For hardware, tools and materials, one thousand five hundred dollars.....	1,500
Item 12. For feed and bedding for horses, seven thousand five hundred dollars.....	7,500
Item 13. For furniture, house furnishings, hospital and laboratory equipment, bedding, horse, cattle, harness and stable supplies, and equipment for vehicles and automobile ambulances, ten thousand dollars	10,000
Item 14. Miscellaneous, five thousand dollars..	5,000

CHARITIES.

Item 15. For stationery, printing, paper, printing materials, office equipment and supplies, three thousand dollars	3,000
Item 16. For fuel, including illuminating and burning oils and gases, ninety thousand dollars.	90,000
Item 17. For milk and cream, sixty thousand dollars	60,000
Item 18. For meats and fish, one hundred thousand dollars	100,000
Item 19. For cereals, fifty thousand dollars...	50,000
Item 20. For groceries, vegetables, ice and tobacco, one hundred and fifteen thousand dollars	115,000
Item 21. For marketing, thirty thousand dollars	30,000
<i>Provided, That the City Controller shall coun-</i>	

tersign warrants upon approval of bills of Superintendent of the Bureau of Charities by the Directors of the Departments of Public Health and Charities and Supplies, without advertising.

Item 22. For dry goods, notions, wearing apparel, seventy-five thousand dollars.....	75,000
Item 23. For furniture, crockery and house furnishing goods, seven thousand five hundred dollars.....	7,500
Item 24. For vaccine virus, drugs, liquids, laboratory, surgical, eye and dental supplies, disinfectants, soaps, hospital and other supplies incident thereto, thirty-five thousand dollars....	35,000
Item 25. For feed and bedding for horses and other live stock, eight thousand dollars.....	8,000
Item 26. For hardware, tools and materials used in repairs of buildings, roads and grounds, plumbing, gas and steam fitting, farming implements and materials, twenty-five thousand dollars.....	25,000
Item 27. For vehicle and auto ambulance equipment, horses, cattle and other live stock, harness, stable and veterinary supplies, four thousand dollars.....	4,000
Item 28. Miscellaneous, three thousand dollars.	3,000

PUBLIC SAFETY.

SECT. 4. Of the amount appropriated to this Department the sum of three hundred and seventy-four thousand nine hundred (374,900) dollars is for the expenses of the Department of Public Safety, as follows:

DIRECTOR'S OFFICE.

Item 1. For printing, engraving and towel service, one hundred dollars.....	\$100
Item 2. For hardware, tools and materials, fifty dollars.....	50

Item 3. For stationery, printing, gasoline, wearing apparel and ice, one thousand dollars.....	1,000
Item 4. For furniture and furnishings, equipment and parts for automobiles and equipment, one thousand dollars	1,000
Item 5. Miscellaneous, two hundred and fifty dollars	250

POLICE.

Item 6. For towel service, one hundred and fifty dollars	150
Item 7. For stationery, printing, ice, cleaning and office supplies, four thousand dollars.....	4,000
Item 8. For fuel, including illuminating and burning oils and gases, twenty thousand dollars	20,000
Item 9. For feed and bedding for horses, sixty thousand dollars	60,000
Item 10. For harness, stable and veterinary supplies, drugs, packing, waste and lubricating oils, two thousand five hundred dollars.....	2,500
Item 11. For hardware, lumber, paints, leather, oakum, jute, plaster, materials and parts for motor vehicles, boats, etc., and materials, two thousand five hundred dollars.....	2,500
Item 12. For furniture, furnishings, bedding, batons, badges and equipment, one thousand five hundred dollars	1,500
Item 13. For horses, fifteen thousand dollars..	15,000
Item 14. Miscellaneous, two thousand dollars..	2,000

CORRECTION.

Item 15. For stationery, printing and office supplies, five hundred dollars.....	500
Item 16. For fuel, including illuminating and burning oils and gases, fifteen thousand dollars	15,000
Item 17. For flour, groceries, meats, provisions and other edibles, thirty-five thousand dollars..	35,000

Item 18. For dry goods, notions and wearing apparel, five thousand dollars	5,000
Item 19. For drugs, medicines, hospital, surgical, toilet and cleaning supplies, two thousand dollars	2,000
Item 20. For forage, harness and stable supplies, mechanics', engineers', quarry and farm supplies, lubricating oils, gas and lime, five thousand dollars	5,000
Item 21. For hardware, tools, iron and steel, lumber, paints, glass, cement, sand, bricks, lime, leather and shoe findings, pipe and fittings, roofing and materials, six thousand five hundred dollars	6,500
Item 22. For furniture, house furnishings, machinery, hose and couplings, horses and other live stock, farming implements and parts, stoves, steam boilers, harness, stable and equipment, one thousand three hundred dollars...	1,300
Item 23. Miscellaneous, one thousand dollars..	1,000

FIRE.

Item 24. For stationery, printing and office supplies, five hundred dollars	500
Item 25. For fuel, including illuminating and burning oils and gases, twenty-five thousand dollars	25,000
Item 26. For feed and bedding for horses, forty thousand dollars	40,000
Item 27. For ice, drugs, veterinary supplies, packing, waste, lubricating oil and cleaning supplies, four thousand dollars	4,000
Item 28. For hardware, tools, lumber, paints, materials incident to repairs to fire apparatus, and materials, two thousand five hundred dollars	2,500
Item 29. For furniture, furnishings, bedding,	

harness, stable and equipment, five thousand dollars	5,000
Item 30. For hose and couplings, six thousand five hundred dollars	6,500
Item 31. For horses, two thousand five hundred dollars	2,500
Item 32. Miscellaneous, two thousand dollars..	2,000

ELECTRICAL.

Item 33. For towel service, one hundred dollars	100
Item 34. For stationery, printing, ice, cleaning and office supplies, five hundred dollars..	500
Item 35. For fuel, including illuminating and burning oils and gases, forty thousand dollars.	40,000
Item 36. For batteries, register paper, chemical solution, incandescent lamps, carbons and lubricators, seven thousand five hundred dollars	7,500
Item 37. For lumber, telegraph poles, paints and painters' materials, wires, conduits, boxes, conductors, materials for the maintenance of lighting and power plants, elevators, overhead and underground lines, telegraphic and telephonic instruments and materials, seventeen thousand five hundred dollars	17,500
Item 38. For furniture, furnishings, transporting, conveying, telegraphic and telephonic equipment, including overhead lines, cable for underground, mast arms, fire and police signal instruments and equipment, heat, light, power, ventilation, refrigeration and electrical equipment (including lighting of City Hall corridors and offices, extension of emergency service, dynamo room, educational, scientific, recreational equipment, recording ammeters, voltmeters and other special and miscellaneous	

equipment, including manhole covers and frames, conduit and fittings, etc.), thirty-five thousand dollars	35,000
Item 39. Miscellaneous, two thousand dollars.	2,000

BUILDING INSPECTION.

Item 40. For towel service, fifty dollars.....	50
Item 41. For stationery, printing, ice, cleaning, toilet and draughting supplies, nine hundred dollars	900
Item 42. For furniture, furnishings and equipment, fifty dollars	50

ELEVATOR INSPECTION.

Item 43. For transportation, printing and towel service, nine hundred dollars	900
Item 44. For stationery, books, ice, cleaning and toilet supplies, two hundred and fifty dollars	250
Item 45. For furniture, furnishings and office equipment, fifty dollars	50

STEAM ENGINES AND BOILERS.

Item 46. For printing, binding and towel service, three hundred and fifty dollars.....	350
Item 47. For stationery, ice, cleaning, educational and other supplies, three hundred and fifty dollars	350
Item 48. For furniture, furnishings and equipment, fifty dollars	50

PUBLIC WORKS.

SECT. 5. Of the amount appropriated to this Department the sum of six hundred and sixty-three thousand six hundred and seventy-five (663,675) dollars is for the expenses of the Department of Public Works, as follows:

DIRECTOR'S OFFICE.

Item 1. For printing, binding and towel service, one thousand dollars	\$1,000
Item 2. For stationery, printing, photographic, draughting, cleaning and toilet supplies, ice, fuel, and lubricants for automobiles, uniforms and office supplies, four thousand dollars.....	4,000
Item 3. For furniture and furnishings, accessories and parts incident to the maintenance of automobiles, one thousand dollars.....	1,000
Item 4. Miscellaneous, one thousand dollars...	1,000

HIGHWAYS.

Item 5. For printing, engraving, lithographing, binding and towel service, two thousand dollars	2,000
Item 6. For stationery, draughting, scientific and educational supplies, maps, atlases and office supplies, three thousand five hundred dollars	3,500
Item 7. For fuel, including illuminating and burning oils and gases, two thousand five hundred dollars	2,500
Item 8. For electricians', mechanics' and engineers' supplies, wearing apparel, ice, lubricants, packing, waste, laboratory, toilet, cleaning supplies, two thousand dollars.....	2,000
Item 9. For furniture, furnishings, office and electrical equipment, hose and gum goods, laboratory and scientific equipment, accessories and parts of automobiles and motorcycles, and special equipment, ten thousand dollars.....	10,000
Item 10. Miscellaneous, two thousand dollars..	2,000

LIGHTING.

Item 11. For towel service, stationery, printing, ice, scientific, educational and cleaning supplies, three hundred and fifty dollars.....	350
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Item 12. For furniture and office supplies, one hundred and fifty dollars	150
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SURVEYS.

Item 13. For printing, engraving, lithographing, binding and towel service, two thousand five hundred dollars	2,500
Item 14. For stationery, photographic, draughting, scientific, educational, mechanical, engineers' and electricians' supplies, ice, wearing apparel, cleaning and toilet supplies and lubricants, five thousand dollars	5,000
Item 15. For fuel, including illuminating and burning oils and gases, five thousand five hundred dollars	5,500
Item 16. For hardware, tools, lumber, paints and painters' materials, one thousand five hundred dollars	1,500
Item 17. For furniture and furnishings, transportation, conveying, telegraphic and telephonic equipment, parts and accessories for automobiles, seven thousand dollars	7,000
Item 18. Miscellaneous, one thousand dollars..	1,000

WATER.

Item 19. For towel service, four hundred dollars	400
Item 20. For stationery, printing, ice, draughting and engineering supplies, nine thousand dollars	9,000
Item 21. For fuel, including illuminating and burning oils and gases, four hundred thousand dollars	400,000
Item 22. For rubber goods, packings and lubricants, thirty thousand dollars	30,000
Item 23. For electrical, laboratory and cleaning supplies, feed and bedding for horses, powder,	

fuse, hypochlorite of lime, alum and other special articles, thirty thousand dollars.....	30,000
Item 24. For hardware, tools, lumber, cement, brick, sand, pipe, fittings, iron and steel, brass fittings, block tin, lead, castings and special materials, seventy-five thousand dollars	75,000
Item 25. For furniture, furnishings, harness, veterinary and stable equipment, accessories and parts of motors, wearing apparel, horses and equipment, sixteen thousand dollars	16,000
Item 26. For cast iron water pipe, etc., one thousand dollars	1,000
Item 27. Miscellaneous, nine thousand dollars.	9,000

CITY PROPERTY.

Item 28. For stationery, printing, draughting, scientific, educational and office supplies, two thousand five hundred dollars	2,500
Item 29. For fuel, including illuminating and burning oils and gases, two thousand seven hundred and fifty dollars	2,750
Item 30. For supplying coal to military organizations as follows: First Regiment, \$550; Second Regiment, \$550; Third Regiment, \$475; Philadelphia Battalion, Sixth Regiment, \$200; Troop A, \$150; First Troop, P. C. C., \$200; Second Troop, P. C. C., \$100; Naval Reserves, \$200; State Fencibles, \$200; Company B, Engineers' Battalion, \$100; Troop G, Cavalry, \$150; Cavalry Squadron Headquarters, \$150, three thousand and twenty-five dollars.....	3,025
Item 31. For mechanics', engineers', electricians' supplies, wearing apparel, ice, supplies for repairs, brooms, cleaning and toilet supplies, twelve thousand dollars	12,000
Item 32. For hardware, tools, lumber, paints, painters' materials, trees, evergreens, shrubs, seeds, flowers, fertilizers, soil and materials	

for squares, pipe fittings and other materials, fifteen thousand dollars	15,000
Item 33. For hardware and furnishings, educa- tional, scientific equipment, conveying, tele- graphic and telephonic equipment, accessories and parts for automobiles, folding chairs and other equipment, four thousand dollars	4,000
Item 34. Miscellaneous, two thousand dollars..	2,000

WHARVES, DOCKS AND FERRIES.

SECT. 6. Of the amount appropriated to this Depart-
ment the sum of twenty-nine thousand two hundred
(29,200) dollars is for the expenses of the Department
of Wharves, Docks and Ferries, as follows:

Item 1. For printing, binding, text books, maps and towel service, one thousand dollars.....	\$1,000
Item 2. For stationery, blank books, ice, draughting and engineering and office supplies, one thousand five hundred dollars.....	1,500
Item 3. For furniture, office furnishings, draughting, engineering equipment, two hun- dred and fifty dollars	250
Item 4. For fuel, including illuminating and burning oils and gases, twelve thousand dollars	12,000
Item 5. For dry stores, groceries, provisions, meats, marketing and other edibles, eight thou- sand dollars	8,000

Provided, That the City Controller shall coun-
tersign warrants for marketing upon the approval
of the bills of the Superintendent of City Ice
Boats by the Directors of the Departments of
Wharves, Docks and Ferries and Supplies, with-
out advertising.

Item 6. For mechanics', engineers', electricians' supplies, ice, cleaning and toilet supplies, three thousand dollars	3,000
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Item 7. For lumber, paints, painters' materials, metals and metallic products, two thousand four hundred dollars	2,400
Item 8. For furniture and furnishings, cooking utensils, fifty dollars	50
Item 9. Miscellaneous, one thousand dollars..	1,000

CITY TRANSIT.

SECT. 7. Of the amount appropriated to this Department the sum of thirteen thousand (13,000) dollars is for the expenses of the Department of City Transit, as follows:

Item 1. For printing, binding, text books, maps, two thousand five hundred dollars.....	\$2,500
Item 2. For stationery, draughting, engineering and office supplies, three thousand dollars....	3,000
Item 3. For furniture and furnishings, scientific and engineering equipment, seven thousand five hundred dollars	7,500

BOARD OF RECREATION.

SECT. 8. Of the amount appropriated to this Department the sum of three thousand (3,000) dollars is for the expenses of the Board of Recreation, as follows:

Item 1. For stationery, towels, soap, ice, cleaning and toilet supplies, nine hundred dollars. . .	\$900
Item 2. For fuel, one thousand nine hundred dollars	1,900
Item 3. Miscellaneous, two hundred dollars...	200

SECT. 9. That the Director of the Department of Supplies shall be allowed, when it is in his judgment for the best interests of the City, to purchase or contract, without advertising, bills for the various Bureaus not exceeding five hundred (500) dollars each.

Provided, That all employees of this Department, now or hereafter employed, shall be citizens of the United

States and bona fide residents of the City of Philadelphia at least one year prior to their employment, and shall remain bona fide residents during such employment: *Provided*, That before the City Controller shall counter-sign any warrant for the payment of wages or salaries for any employees in this Department, he shall require an affidavit from the Director of the Department that said employees actually were performing the work for which they were appointed, and were taken from the eligible lists certified by the Civil Service Commission for such character of work.

All bids shall be opened and contracts awarded in the presence of the Committee on Printing and Supplies of Councils.

Warrants shall be drawn by the Director of the Department of Supplies in conformity with existing ordinances.

All ordinances or parts of ordinances inconsistent herewith be, and the same are hereby repealed.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Pennsylvania Railroad Company to lay and maintain a siding connection from its tracks on Swanson street, at and near the intersection of Jackson street, to a point of connection with property of the Harshaw, Fuller & Goodwin Company on the east side of Swanson street, between Jackson and Wolf streets, in the Thirty-ninth Ward.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That authority be, and is hereby granted the Pennsylvania Railroad Company to lay and maintain a siding connection from its tracks on

Swanson street, at or near the intersection of Jackson street, to a point of connection with property of the Harshaw, Fuller & Goodwin Company on the east side of Swanson street, between Jackson and Wolf streets, in the Thirty-ninth Ward, as shown on plan filed in the Department of Public Works (Bureau of Surveys). The said siding connection to be laid under the supervision of the Department of Public Works (Board of Highway Supervisors): *Provided*, That said siding be removed at any time upon the passage by Councils of an ordinance to that effect, without any recourse against the City of Philadelphia for damages, either property, personal or otherwise: *And Provided Further*, That before exercising any privilege under the authority of this ordinance the said Pennsylvania Railroad Company shall first pay into the City Treasury the sum of fifty (50) dollars to cover the cost of publication hereof.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the revision of grades in the territory bounded by Allegheny avenue, Indiana street, Marshall street and Lawrence street.

SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Department of Public Works (Board of Surveyors) be authorized to revise the grades upon City Plan No. 156, bounded by Allegheny avenue, Indiana street, Marshall street and Lawrence street.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.

AN ORDINANCE

To authorize the Pennsylvania Railroad Company, lessee of the Philadelphia and Trenton Railroad Company, to lay and maintain a siding across Westmoreland and Willard streets to a point of connection with property on the southwest side of Willard street, northwest of Wittee street, in the Forty-fifth Ward.

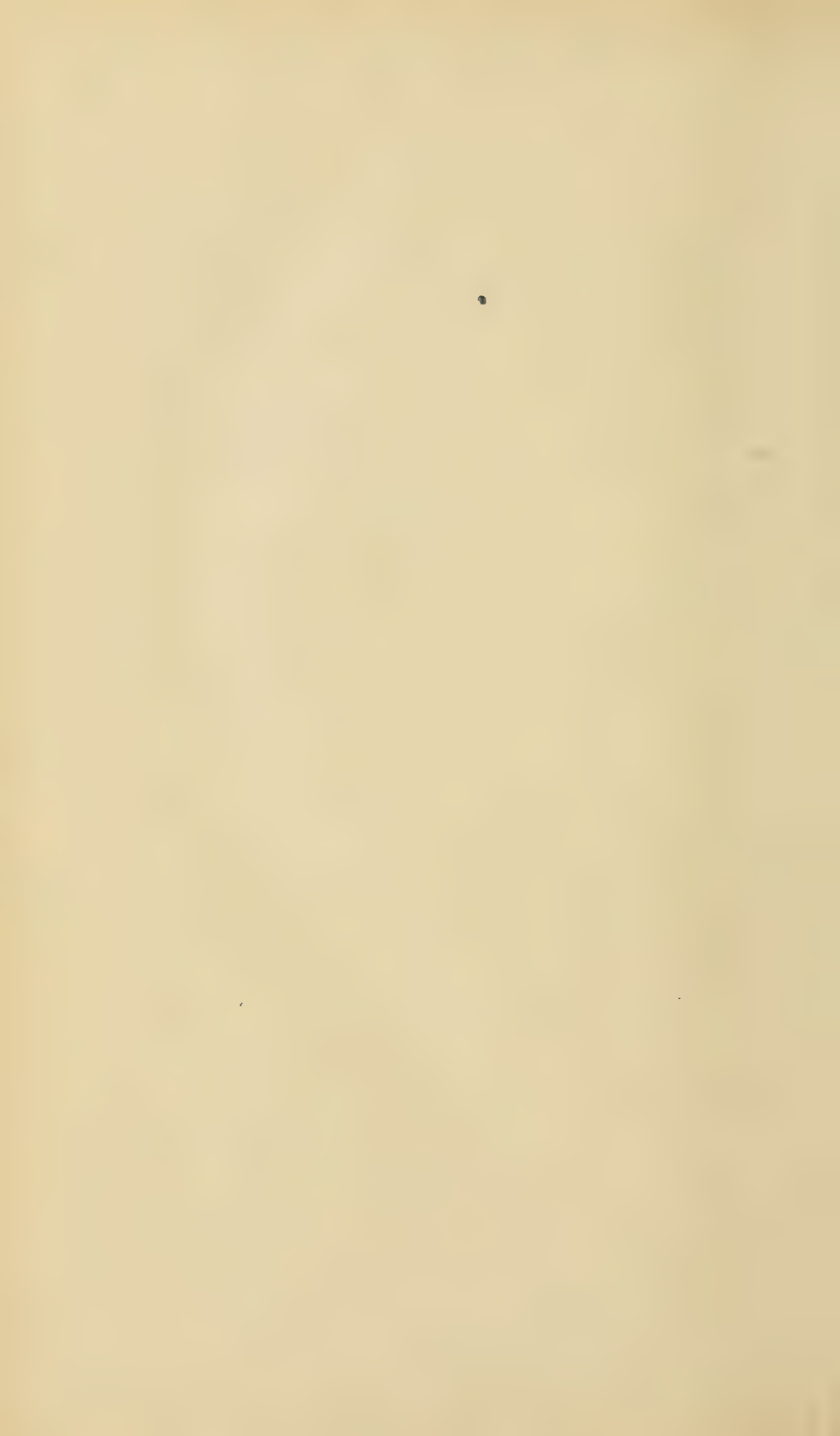
SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Pennsylvania Railroad Company, lessee of the Philadelphia and Trenton Railroad Company, be, and is hereby authorized to lay and maintain a siding across Westmoreland and Willard streets, to a point of connection with property on the southwest side of Willard street, northwest of Wittee street, in the Forty-fifth Ward, as shown on plan filed in the Department of Public Works (Bureau of Surveys). The said siding connection to be laid under the supervision of the Department of Public Works (Board of Highway Supervisors): *Provided*, That said siding be removed at any time upon the passage by Councils of an ordinance to that effect, without any recourse against the City of Philadelphia for damages, either property, personal or otherwise: *And Provided Further*, That before exercising any privilege under the authority of this ordinance the said Pennsylvania Railroad Company shall first pay into the City Treasury the sum of fifty (50) dollars to cover the cost of publication hereof.

Approved the thirty-first day of December, A. D. 1913.

RUDOLPH BLANKENBURG,

Mayor of Philadelphia.





OPINIONS
OF THE
CITY SOLICITOR
FROM
JANUARY TO DECEMBER, 1913

Opinions given by the City Solicitor, from January to December, 1913, to the Select and Common Councils, Committees of Councils, Heads of Departments, etc.

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OPINIONS
OF THE
CITY SOLICITOR
DURING THE YEAR 1913

LAW DEPARTMENT.

Philadelphia, January 3, 1913.

In re Insurance Charges for Boiler Inspection.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Assistant Director of your Department, enclosing a request for an opinion from the Chief Inspector of Boilers, with a letter to himself upon the subject from the agents of the Hartford Steam Boiler Inspection and Insurance Company. Therefrom it appears that such agents have been told of a proposition being made by a boiler insurance company to insure boilers at the exact legal rate required by the Act of March 11, 1891, at the same time offering to include in the policy the insurance of certain fly wheels without further charge. Complaint is made that this is an evasion of the Act of Assembly and amounts to a rebate, and the opinion of this Department is desired upon the subject.

Article 3 of the Act of March 11, 1891 (P. L. 5), provides:

“That no policy of insurance issued by such insurance company shall be valid, unless the premium upon such policy, including fee paid to city inspector as hereinafter provided for, shall be equal to or exceed in amount one and one-half times the charges prescribed by the city ordinance for the inspection of steam boilers; nor shall such policy be cancelled or modified, so that the premium shall be less than the amount herein provided for, without notifying the city inspector thereof immediately, in writing, with the reasons therefor.”

This provision of the law would seem to require that the charge for the boiler insurance must be at least one and one-half times the charge prescribed by ordinance for the inspection of the boilers, and if any further insurance or other gratuity be included in the insurance thus furnished without additional charge, I am of opinion that the purpose of the Act would be nullified and evaded, and that, therefore, the giving of such additional insurance or other thing would not be lawful.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 3, 1913.

Charge for Examination of Plan Books.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—The inquiry of the Chief Engineer and Surveyor, duly approved by you, whether a charge imposed by ordinance for each search of registered owners

of property requires the payment of such charge by those who make examinations of the plan books, has been duly received.

I am of opinion that this charge cannot under such a provision of the ordinance be exacted of persons who make examinations of the plan books, in this respect agreeing with the opinion of my predecessor, the late J. Howard Gendell, Esq. (City Solicitor's Opinions, 1909, page 10), to which opinion my attention is called by the Chief of the Bureau of Surveys.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 7, 1913.

*Paving Sixty-third street, from Jefferson street to
Lancaster avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to the communication of December 30, 1912, from William H. Connell, Chief of the Bureau of Highways and Street Cleaning, approved by you, in which it is stated that a contract has been executed for paving Sixty-third street, from Jefferson street to Lancaster avenue, and setting forth that at the northern end of this street a brick pavement was laid by the Rapid Transit Company several years ago for the convenience of its passengers, and requesting an opinion from this Department as to whether the owners of property fronting on the street where the brick pavement is laid shall be assessed for the proportion of the pavement laid, etc., permit me to say that, before answering, I ask to be informed under what authority the brick pavement was

laid by the Rapid Transit Company and when that authority was given.

As soon as this information is received I will at once reply to your request for an opinion.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 7, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 2d inst., inquiring as to the validity of the ordinance of February 26, 1891, page 50, with the amendments thereto of July 17, 1891, page 300, and February 10, 1892, page 56, authorizing the construction of sewers and the laying or relaying of gas and water pipes in streets authorized by Councils to be paved or repaved, and whether liens filed under authority of these ordinances are collectible where property owners have failed to pay the assessment bills.

I think that the ordinances are valid and that your Department is authorized thereunder to construct the sewers and lay the water pipes in streets whenever Councils shall specifically authorize the paving or repaving of particular streets. In this connection I would advise you that the provisions of the last of the series of ordinances, to wit, that of February 10, 1892, should prevail. Where the property owners have failed to pay the assessment bills liens may be collected in the usual manner, and this Department has experienced no especial difficulty in such collections.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 8, 1913.

Proper Charge for Permit to Clean Cesspools.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 7th inst., stating that notices under Section 60 of the Act of June 7, 1911 (P. L. 680), to clean or abate cesspools have been issued by the Bureau of Health and not by the Board of Health; also, that a charge of fifty cents has been made for a permit to clean cesspools. You inquire as to the correctness of this practice.

As Section 60 of the Act of 1911 authorizes the "Department, or Board, or Bureau of Health to issue the notices," I see no reason why the Bureau of Health may not do so.

With respect to the proper charge for a permit, the Act of May 1, 1879 (P. L. 44), provides that the price for each permit to remove the contents of privy wells, etc., shall be fifty cents, except in cases declared by the Board of Health to be a nuisance, when the price shall be one dollar. It is only in cases where the privy well has been declared to be a nuisance that the fee of one dollar may be charged under this Act, and since the cases concerning which you inquire have not been declared to be nuisances, fifty cents for a permit is the proper charge.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 11, 1913.

*Application of Pennsylvania Sugar Company for Permit
to Construct an Ash Trestle on South Side Pier 47.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I have received your letter of the 10th inst., in reference to the application of the Pennsylvania Sugar Company for the construction of an ash trestle on the south side of Pier 47, North Wharves.

It appears that this company owns the southern half of Pier 47 and also Pier 46, adjoining it on the south, between which piers there is a slip or water-way; that no objection to the application has been made by any adjoining owner, and that you see nothing objectionable in the proposed structure except "that it would constitute a possible menace to the safety of vessels using this slip;" that the only vessels using this slip are the vessels bringing raw sugar to the company's Pier 46, or coal or ash barges using the south side of Pier 47. You further state that you see no objection to granting a license for the structure unless its authorization would prevent a vessel owner whose vessel was damaged by collision with the trestle from collecting damages from the sugar company, and you inquire whether this would be the result of the granting of the license by your Department.

In my opinion, the granting of the license would not have the legal effect of absolving the sugar company from damages for injuries to vessels, if it were otherwise responsible therefor, although it would probably be a circumstance on which that company would be likely to rely in any such litigation, to show that it was free from negligence or otherwise to mitigate and minimize its liability. Upon the whole question it is for you to decide whether the possible danger to shipping presents such

an obstacle to the granting of the application that it should be refused.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 11, 1913.

In re Ordinances—Appendix 79 and 128.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I have received, under date of January 10th, a letter from Mr. Foss, your secretary, asking me to inform you whether the ordinance, Common Council Appendix No. 79, to permit Charles H. Vendig to construct a vault under the sidewalk at Thirteenth and Filbert streets, and the ordinance, Common Council Appendix No. 128, to authorize the opening of Fox street, from Twenty-second street to Allegheny avenue, are "legally correct and in proper form" for your approval.

The form seems to be correct, but I submit for your consideration the report of Mr. Faries to me, I having submitted Mr. Foss' letter to him. That report is as follows:

"MICHAEL J. RYAN, Esq.,

City Solicitor.

DEAR SIR:—I beg to return herewith letter of Cyrus D. Foss, Secretary to the Mayor, to you, dated January 10, 1913, in regard to the ordinance to permit Charles H. Vendig to construct a vault under the sidewalk on the north side of Filbert street, west of Thirteenth street, introduced October 17, 1912. I wrote you on November 15, 1912, enclosing

report of Michael J. Geraghty, Esq., assistant, as follows:

‘Mr. Crammer, the surveyor of the Third District is sick and incapacitated for business, and in his absence I talked with Mr. Harvey, his assistant, who told me that vaults such as that proposed are usually permitted by the City upon the payment of a tax or license therefore by the property owner, such as is noticeable in the Rathskeller Building, Broad and South Penn Square.

‘However, Mr. Harvey stated that the City will very likely need the ground proposed to be utilized for this vault, and that, if the applicant is to enjoy the privilege which he seeks, there should be a stipulation between him and the City to the effect that he will forfeit the privilege upon demand of the City, and, furthermore, that he will pay commensurately therefor.

‘In view of the above cited facts, I would recommend the passage of the ordinance upon the conditions indicated.’

I made the following recommendation:

‘Unless this ordinance contains a proviso that the City shall receive revenue for the permission, and that the right can be revoked at any time, the ordinance should not be passed.’

“In regard to the ordinance for opening Fox street, from Twenty-second street to Allegheny avenue, introduced November 7, 1912, I referred the matter to O. Chas. Brodersen, Esq., assistant, for report, and on November 19, 1912, sent you his report, as follows:

‘In re opening of Fox street, from Twenty-second street to Allegheny avenue, in the Thirty-eighth Ward, would say that the western side of the street is opened and this ordinance must mean the opening of the eastern side, and there

is no objection to having this street opened to its full width, provided that the part yet not taken is dedicated within a year.'

My recommendation was as follows:

'The western side of this street is open, and this ordinance evidently refers to the opening of the eastern side.

'Unless this part is dedicated with waiver clause, the ordinance should not be passed.'

Trusting that this will give you the desired information, I am,

Very truly yours,

(Signed) EDGAR DUDLEY FARIES,
Assistant City Solicitor."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 15, 1913.

Expiration of the Terms of Certain Select Councilmen.

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council.

DEAR SIR:—I have received your letter of the 13th inst., asking for an opinion as to the ending of the term of thirty members of Select Council whose successors will be elected in November next. You call attention to an opinion of the late J. Howard Gendell, Esq., dated March 3, 1910, from which you state that it would appear that the terms of those elected in 1909 will expire on the first Monday of December, 1913; and further say, that there is some doubt in your mind as to the expiration of

the terms of those taking their seats in 1910. You inquire whether or not their terms continue to the first Monday of January, 1914.

The schedule to the amendments to the Constitution adopted at the November election in 1909, provides in part as follows:

“SECTION 12. That no inconvenience may arise from the changes in the Constitution of the Commonwealth and in order to carry the same into complete operation, it is hereby declared that in the case of officers elected by the people, all terms of office fixed by Act of Assembly at an odd number of years shall be lengthened one year, but the Legislature may change the length of the term, provided the terms for which such officers are elected shall always be for an even number of years. * * * In the year 1910, the municipal election shall be held on the third Tuesday of February as heretofore. * * * All officers chosen at that election to offices the term of which is now four years, or is made four years by the operation of these amendments or this schedule, shall serve until the first Monday of December in the year 1913. * * * After the year 1910, and until the legislature shall otherwise provide the terms of city, ward, borough and township election division officers shall begin on the first Monday of December in an odd numbered year.

All city, ward, borough or township officers holding office at the date of the approval of these amendments whose terms of office may end in the year 1911, shall continue to hold their offices until the first Monday of December of that year.

All Judges of the Courts for the several judicial districts and also all county officers holding office at the date of the approval of these amendments, whose terms of office may end in the year 1911, shall continue to hold their offices until the first Monday of January, 1912.” (P. L. 1909, page 954.)

It is seen from the foregoing that all officers chosen at the election of 1910, whose terms of office were four years, or were made four years by the amendments or schedule thereto, are directed to hold their offices until the first Monday of December, 1913. This specific Constitutional provision cannot be altered by statute. (*Comm. vs. Sheatz*, 228 Pa., 301; *Comm. vs. McAfee*, 232 Pa., 36). The Select Councilmen chosen in 1910, are officers whose terms of office, formerly three years by Act of March 21, 1861, Section 5 (P. L. 165), and Act of May 23, 1874, Section 3 (P. L. 231), were made four years by the provisions of this schedule. They therefore come directly within the provision of the schedule which ends their term of office on the first Monday of December, 1913, and it is beyond the power of the Legislature to alter this requirement by any statute. As to these members, therefore, I think it clear that their terms will expire on the first Monday of December, 1913, and there will necessarily result a vacancy in their offices from that time until the first Monday of January, 1914, when the terms of their successors will begin. (*Comm. vs. McAfee*, 232 Pa., 36). Such vacancy may be filled at the November election when the successors to the councilmen whose terms will expire in the following December are to be chosen. (See Acts of April 27, 1864, P. L. 638, and May 20, 1864, P. L. 912, Section 3.)

With respect to those members of Select Council who were elected in 1909, the situation is somewhat different. Mr. Gendell's opinion, referred to in your letter, was applicable to those members, and at the time when it was written it correctly stated the law upon the subject. Since then, however, the Act of March 2, 1911 (P. L. 8), has been passed. By the first section of that Act it is provided "that all public officers holding office at the date of the approval of said amendments—not otherwise provided for—whose terms of office expire at any time during an odd numbered year shall continue to hold their offices until the first Monday of January in the next even numbered year." The Select Councilmen chosen in 1909, were public officers holding office at the date of the

approval of the amendments to the Constitution. They were not specifically provided for therein, and their terms having been made four years would expire in an odd numbered year, to wit: 1913. It would seem therefore to follow that if the first section of the Act of March 2, 1911, is constitutional the terms of such councilmen are thereby extended to the first Monday of January, 1914.

The second section of that Act was held to be unconstitutional in the case of *Comm. vs. McAfee, supra*. That section purported to extend the terms of judges holding office at the date of the approval of the amendments whose commission would expire on the first Monday of January in an odd numbered year, to the first Monday of January in the following even numbered year, and the view of the Supreme Court was that since the final paragraph of the schedule had provided only for the extension of the terms of judges expiring in 1911, this practically resulted in a constitutional prohibition against altering or extending the terms of judges expiring in any other year. As already seen, the next paragraph in the schedule before the final one, provides in like manner for the expiration of the term of City officers expiring in 1911, and if this were the only provision upon the subject contained in the schedule the reasoning of the court in the case of *Comm. vs. McAfee* would compel the conclusion that no legislation extending the tenure of City officers whose terms expire in any other year but 1911, could be sustained as constitutional; but, as already stated, a preceding paragraph of the schedule has provided not only that the terms of office fixed by Act of Assembly at an odd number of years shall be lengthened one year, but further, that "the Legislature may change the length of the term provided the term for which such officers are *elected* shall always be for an even number of years."

It may reasonably be concluded from this language that so long as the *elective* term of such officers is not made other than an even number of years the right of the Legislature to change their terms of office is unrestricted. This consideration could not be invoked in support of the

constitutionality of Section 2 of the Act of March 2, 1911, providing for the extension of the terms of judges whose commissions would otherwise expire in odd numbered years, because the terms of judges were not fixed by Act of Assembly at an odd number of years, and hence they were not within the purview of the portion of the schedule last referred to.

With respect to Select Councilmen it is otherwise. Their terms, having been fixed by statute at three years, were extended by the schedule to four years and thus became subject to the legislative authority to change the length of the terms, always provided that the terms for which they might subsequently be elected should in all cases be for an even number of years. From this it would result that the first section of the Act of March 2, 1911, is not in violation of the Constitution and that thereunder the terms of those Select Councilmen elected in 1909, which would otherwise have expired in 1913, are validly extended to the first Monday of January, 1914.

There is no view of the subject which is entirely free from difficulty, and the one herein indicated involves the seeming anomaly that the longer term—from April, 1909, to December 1913—has been extended by statute to January, 1914, while the comparatively shorter one, lasting from April, 1910, to December, 1913, may not be so extended; but this results from the peculiar terms of the schedule to the constitutional amendments. On the whole, I am of opinion that the interpretation of that schedule above suggested is the correct one, and that, therefore, the first section of the Act of 1911 should be sustained, and that Select Councilmen elected in 1909 will continue to hold their offices until Monday, January 5, 1914.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 15, 1913.**Expiration of the Terms of Certain Select Councilmen.*

WILLIAM H. FELTON, Esq.,

Secretary, Joint Special Committee, Select and Common Councils, on State Legislation Affecting the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 10th inst., requesting the preparation of an Act for introduction into the Legislature “straightening out the question of the expiration of the terms of members of Select Councils whose terms expire on the first Monday in December.”

Instead of doing so I enclose a copy of an opinion on the subject this day sent to the Chief Clerk of Select Council. From this you will see that, in my judgment, no such statute can be effective with respect to those members who were elected in 1910; and as to those elected in 1909, the necessary provision by statute is already found in the first section of the Act of March 2, 1911 (P. L. 8). That provision is sufficiently explicit; but, should the Courts take a different view from mine, and hold the first section of that Act to be unconstitutional, the statute which you request would still be unnecessary for the reason that no statute could then legally “straighten out the question,” for in that contingency no such Act would be constitutional.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 16, 1913.**Form of Lease of Stalls in Markets.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of the Chief of the Bureau of City Property, approved by you, with respect to form of lease of stalls in the markets.

I think the form submitted by him is a proper one, and also that there is no objection to exposing the lease of the stalls for sale at public auction to the highest bidder.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 20, 1913.**Management and Control of the Shot Tower and Belfield Playgrounds.*

OTTO T. MALLERY, ESQ.,

Secretary, Board of Recreation.

DEAR SIR:—In reply to your inquiry whether the Board of Recreation may take over from the Playgrounds Association the management and control of the Shot Tower and Belfield Playgrounds, which are owned by private individuals and allowed to be used on sufferance, and concerning which there are projects on foot to buy these properties, I would call your attention to Section 6 of the Act of June 9, 1911, creating the Board of Recreation. That section provides that "the Board of Recreation may,

on its own initiative, take charge of any grounds, with the buildings thereon erected, the use of which is offered to it temporarily by individuals or corporations, for the purpose of using such grounds for playground and recreation activities."

Under this section I am of opinion that the Board of Recreation may take over and manage the properties to which your inquiry relates.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 20, 1913.

Responsibility for Care of Meadow Banks.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your inquiry of the 17th inst., as to meadow banks which were privately constructed and not such as are or were under the jurisdiction of the various meadow bank companies or which have been surrendered by them under the Act of June 9, 1911. You ask whether any legal responsibility rests upon your Department to care for these banks, and if not, whether under existing laws the property owner can be compelled to make such repairs as the Department deems necessary in individual cases.

The Act of March 25, 1848 (P. L. 250), did require property owners to make repairs to meadow banks upon their premises which might be in a ruinous, unsafe and insecure condition, or upon default therein, for the City to make the necessary repairs and file lien for the cost thereof. For your convenience I send you a copy of that Act. Unfortunately, in the case of *Philadelphia vs. Scott*

(81 Pa., page 80), this Act was held unconstitutional because no method for determining the necessity for the repairs was provided, and therefore due process of law within the requirements of the bill of rights was not furnished. That case further held, however, that, while the owner of the land abutting upon the water front could not be compelled at his own expense to bank out the water for the purpose of protecting his land or that of others, yet when the banks are constructed by the public the owner of the land on which they are situate may by a proper statute be required to keep them in repair.

No legislation appears to have been passed since the Act of 1848 except with reference to those banks within the control of the various meadow bank companies, and the Act of 1911 providing for the surrender of their franchises by those companies, and devolving the care of the banks theretofore under their control upon the city or county in which the land is situated.

The Department of Public Works (Bureau of Highways) has recently been devoting considerable energy to the effort to procure the necessary appropriation for the repair of those banks formerly within the care of the meadow banks companies, and it might be well for you to consult with that Department in the matter.

The decision in the case of *Philadelphia vs. Scott*, above referred to, would seem to leave the way open for an appropriate statute to provide for the repair of the meadow banks by the land owners, or on their refusal so to do, by the City at their expense. In the meanwhile, the matter is of such momentous practical importance that I would suggest that every effort be continued to have these banks placed in a proper condition to prevent inundation of the low-lying land likely to suffer in the event of flood or freshet.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 20, 1913.**Proposed Ordinance with United Gas Improvement
Company for Street Lighting.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—As requested in your letter of the 17th inst. I herewith return form of ordinance to provide for a contract with the United Gas Improvement Company for the substitution of gas lamps in lieu of gasoline lamps along the lines of its mains.

The change you have made in Section 3 by dispensing with the requirement of an affidavit that all of the lamps have been kept lighted during the whole of each night, in accordance with the contract, is a matter resting in your sound discretion. The effect of the provision as it now stands will be that proportionate deductions for unlighted lamps may be made if the Bureau of Lighting can show that the lamps were not kept lighted during any night or part thereof.

I see no reason to withhold approval from the proposed ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 21, 1913.**In re Garbage Contract, 1912—Frank R. Shattuck.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of the 16th inst., enclosing copies of corres-

pondence between Frank R. Shattuck, attorney for the General Manufacturing Company, and your Department, in relation to the award of contract for the collection of garbage during 1912.

With this entire subject I am familiar, for, as you will recall, notwithstanding the opinions of Ex-Judge Beitler and of John G. Johnson, Esq., the then counsel for the company, I insisted upon your disregarding any supposed award to the General Manufacturing Company and that you should award the contract to a new and lower bidder. The position of the Law Department is set forth in my letters to you and the Mayor, appearing in the volume of City Solicitor's Opinions for the year 1911, at pages 201 and 202, the letter to the Mayor being dated December 5, 1911, and the letter to you bearing date of December 9, 1911.

I now recommend that you have no correspondence with these people, for your letters may be distorted into some acquiescence on your part in the existence of a claim, whereas, as a matter of fact, this company has none, either legal or moral, against the City of Philadelphia.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 22, 1913.

Paving of Sixty-third Street, from Jefferson Street to Lancaster Avenue.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to letters of December 30, 1912, and January 10, 1913, from the Chief of the Bureau of Highways, approved by you, I beg to advise you as follows:

I understand from these letters that on August 14, 1906, the Department of Public Works authorized the Philadelphia Rapid Transit Company to lay a cartway pavement at its own expense on Sixty-third street, from Lancaster avenue to Malvern street; that, in compliance with this permission granted to the Rapid Transit Company, it laid a brick pavement on Sixty-third street, from Lancaster avenue to a point about 250 feet southwest therefrom.

You state that the City is now about to pave Sixty-third street, from Jefferson street to Lancaster avenue, with asphalt, and inquire whether the brick pavement laid under the permission granted to the Rapid Transit Company can be removed and the portion occupied by this brick pavement paved with asphalt and the cost charged by assessment against the abutting property owners.

The decisions are uniform that where there has been an original pavement laid at the public expense, or assessed against property owners, there can be no lien filed for a new pavement laid.

I am of the opinion, however, that in this case no pavement was laid at the public expense, or assessed against property owners, but that there was merely a permission granted to the Rapid Transit Company to lay a pavement, and under these circumstances the City would have the right to take up the pavement laid by the Rapid Transit Company, lay the new pavement and file liens for the same against the abutting property owners.

This opinion is based entirely upon the data furnished in your letters. Should the City by any action have adopted the pavement as its own, a different question would be presented.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 22, 1913.**State Appropriation for Institution for the Feeble-Minded.*

HON. A. E. SISSON,

Auditor General, Harrisburg, Pa.

DEAR SIR:—I am in receipt of your letter of yesterday in re appropriation to the City of Philadelphia toward the erection of the buildings of the Philadelphia Institution for the Feeble-Minded, and with the greatest deference for your opinion in the matter I beg hastily to suggest the following considerations why the State appropriation should be paid into the City Treasury without awaiting the actual expenditure of the funds appropriated by the City.

1. Section 1 of the Act provides for an appropriation of \$250,000, reduced by the Governor to \$200,000, toward the erection of the buildings, etc.: "*Provided*, That the said City appropriate a like amount toward the erection thereof." In Section 2 it is directed that the money so appropriated by the State shall be paid into the City Treasury on or after June 1, 1912: "*Provided*, The appropriation by said City shall have been made, and shall be expended for the purposes aforesaid by the Department of Public Health and Charities of said City, under the direction of Councils, in accordance with and in the manner provided by existing laws and ordinances." I think the purpose of this provision is to assure the appropriation being made by the City as the Act requires and that the phrase "and shall be expended for the purposes aforesaid," etc., relates to the State appropriation. That is to say, that the proviso that "the appropriation by said City shall have been made," as used in Section 2, is parenthetical, being so placed as to emphasize and reiterate the proviso to Section 1, that the City "appropriate the like amount."

It seems plain to me that the sense of Section 2 is as

if it read as follows: "The money hereby appropriated shall be paid into the Treasury of the City of Philadelphia on or after June 1, 1912, and shall be expended for the purposes aforesaid, etc., provided the appropriation by said City shall have been made." Read in conjunction with Section 1, as it should be, I believe that this interpretation of Section 2 clearly appears to be the correct one, and that it would be doing violence to the real purpose of the Act to require that the whole of the City appropriation must be expended before any part of the State appropriation shall become available.

2. But even if the expression "and shall be expended for the purposes aforesaid by the Department of Public Health and Charities," etc., does refer to the City appropriation, you will note the difference between the form of words used with respect to the making of the City appropriation and with respect to its expenditure. The former, it is provided, "shall have been made." As to the latter, however, the direction is that the money "shall be expended," the future and not the past or perfect tense being used. This would indicate the intention that with respect to the making of the appropriation by the City the proviso to Section 2 should constitute a condition precedent, but as to the expenditure of the money the direction merely is that it shall be expended for the purposes aforesaid; not that it must *first* be expended before the money appropriated by the State shall be paid.

That the City appropriation must and will be so expended is sufficiently assured by the contract between the City and Mark P. Wells for the construction of cottages "F," "G" and "H" for the Philadelphia Home for the Feeble-Minded, the name of which is now changed by ordinance—copy of which has already been sent you—to the Philadelphia Institution for the Feeble-Minded to conform to the requirement of Section 5 of the Act. Under this contract, certified copy of which I enclose, \$223,650, being in excess of the \$200,000 appropriated by the State, is set apart and can in no event be used for any other purpose than the construction of these buildings. Thus the direction of Section 2 is carried out and the

money appropriated by the City is "and shall be expended for the purposes aforesaid."

3. The said contract is in legal effect and for every purpose an actual expenditure of the money within the meaning of the statute. You will note the endorsement on the back of the contract showing that this fund has been deducted and set apart for the purpose which the contract has in view. Under the Act of June 1, 1885 (P. L. 37), "To provide for the better government of cities of the first class in this Commonwealth," and generally known as the "Bullitt Bill," and other statutes applicable to the City of Philadelphia, the certifications so endorsed are made necessary and their effect, together with that of the contract itself, is to set apart the amount thereof so that it can be used for no other purpose, thus making such contract and certifications an actual disbursement or expenditure of the City funds.

All of the other requirements of the Act of June 15, 1911 (Appropriation Acts, page 308), have been complied with; the City has furnished a site for the buildings, a description of which, for purposes of lien under Section 6 of the Act, has been furnished you, and you have also been furnished with a bond for the refunding of the State appropriation upon the conditions prescribed in that section.

I feel very confident that upon due consideration you will agree in the conclusions herein indicated, and especially that the real meaning of Section 2 of the Act is that the only condition precedent to the availability of the State funds which it enacts is that before such money shall be paid over an appropriation of a similar amount shall have been made by the City.

I shall be very glad if you will refer the subject to the Attorney General for his opinion.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 24, 1913.

In re Preparation of Ordinance for Purchase from American Ice Company of Pier 39, Delaware River.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I have received your letter of the 21st inst., in which you ask me to prepare an ordinance for the purchase from the American Ice Company of Pier 39, Delaware River, the valuation to be hereafter determined by arbitration, but the minimum price to be one hundred thousand (100,000) dollars.

I also reply to your oral request that an ordinance be prepared directing the acquisition of Pier 40, belonging to the estate of E. C. Knight, at the price of one thousand (1,000) dollars per bulkhead foot, or more than one hundred and eight thousand (108,000) dollars.

I desire to call specifically to your attention that a jury is now considering (under two proceedings) the damages which the City will be compelled to pay in the matter of the opening of Delaware avenue and the widening of it; that among the claimants before it are the Knight Estate and the Knickerbocker Ice Company. In the matter of the Knight Estate, the claimants produced two witnesses, J. D. Ellis and James Lewis. Mr. Ellis placed a valuation on this entire wharf property of eighty thousand (80,000) dollars and Mr. Lewis placed a valuation of one hundred thousand (100,000) dollars. Notwithstanding this sworn testimony of the Knight Estate's own witness, it is now proposed to pay them one hundred and eight thousand (108,000) dollars. I respectfully submit that such payment under the circumstances could not be justified.

As to the Knickerbocker Ice Company, or American Ice Company's claim, Mr. Lewis, one of their witnesses, testified that the entire value of this property was one

hundred thousand (100,000) dollars. As suggested in my letter of December last, why should we fix as the minimum price for arbitration the maximum of the claimant's own sworn demand?

I respectfully recommend that you should reconsider your action, or at least wait until the jurors have filed their reports. The damages in these cases, and in the new taking under Wednesday's new ordinance, will run into the millions, and for the City to now pay more than the claimants ask would have a bad effect on the juries, and would establish a criterion of value grossly in excess of the amount which the City should be compelled to pay.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 24, 1913.

State Appropriation for Institution for Feeble-Minded.

HON. A. E. SISSON,
Auditor General, Harrisburg, Pa.

DEAR SIR:—Your letter of the 23d inst., in re State appropriation to the City of Philadelphia on account of the erection of the Philadelphia Institution for the Feeble-Minded, has been duly received.

I feel gratified that you find yourself able to agree in the view of the Act of June 15, 1911, indicated in my letter of the 22d inst.

With respect to your suggestion that \$100,000 be paid by the State at this time, the balance to await the making of further contracts, this would be entirely satisfactory to the City except for the peculiar position with regard to the appropriation which would result from the operation of certain statutes. Under the Acts of June 11, 1879,

Section 3 (P. L. 130), and April 21, 1858, Section 5 (P. L. 386), this City is forbidden to enter into any contracts except in pursuance of a *previous* appropriation.

The Director of the Department of Public Health and Charities, under whose supervision in conjunction with the State officials these buildings are to be erected, informs me that a contract or contracts approximating \$200,000 are ready or nearly ready to be executed, as soon as the necessary amount is in the City Treasury and the statutory requirements relative to a preceding appropriation can be complied with. If the sum of \$100,000 only be paid into the City Treasury it would probably interfere with the making of a contract in excess of that sum, plus the small additional balance remaining from the appropriation of \$250,000 already made by the City; and thus there would be a sort of deadlock—the balance of \$100,000 in the State Treasury awaiting the making of a further contract, and the making of such contract awaiting the payment of the money into the City Treasury, the fund in the meanwhile being actually available and ready for use but held up by these legal obstacles.

For this reason I would be very glad if you could see your way clear to modify your view so far as to pay the entire State appropriation into the City Treasury at the present time, upon the faith of the contract for \$223,000 (appropriated by the City) which is now being performed. Should you not be able to do this, however, I will ask you to forward the requisition for the \$100,000 in accordance with your suggestion, leaving the question with respect to the balance of the State appropriation as a subject for further discussion, in the hope that we can reach some arrangement as to that sum which will be mutually satisfactory and in conformity to the requirements of law.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 27, 1913.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 23d inst., stating that you have been sent a power of attorney, executed by Mark P. Wells to the Wells Construction Company, authorizing the issuance to that company of all warrants and the collection by it of all moneys issuable or becoming due to Mr. Wells under the contract to erect certain buildings for the feeble-minded on the Byberry Farms.

You state that the instrument is somewhat blurred and has the appearance of an erasure, and inquire whether this is a sufficient power for you to make payment to the construction company instead of to Mr. Wells, the contractor.

I would prefer to see the power of attorney concerning which you ask before answering your inquiry, and will be greatly obliged to you if you will let me have it for that purpose.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT. .

Philadelphia, January 28, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your favor of the 15th inst., relative to the contemplated purchase of the properties of the American Ice Company and of the Knight Estate on the Delaware River, between Catharine and

Queen streets, and I note the fact that you desire to proceed with this purchase, and that you are, as you say in your letter, prepared "to assume the responsibility for these purchases at the price named."

I have prepared and send herewith a form of agreement with Edward C. Knight, surviving executor of the will of Edward C. Knight, deceased, the same to be "subject to the approval of the Select and Common Councils of the City of Philadelphia, and the passage of an ordinance authorizing the purchase and making the necessary appropriation."

The form of ordinance as to the arbitration with and purchase from the American Ice Company will be sent to you during the day or on to-morrow morning. I am sending the Knight Estate agreement immediately because I understood from your former letter that Mr. Edward C. Knight will shortly leave for California to be gone for some time.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 28, 1913.

*Water Charge at Presbyterian Home for Aged Couples
and Aged Men.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Replying to letter of the 17th inst., from C. E. Davis, Chief of the Bureau of Water, approved by you, in the matter of water pipe laid in front of the Presbyterian Home for Aged Couples and Aged Men in the year 1897, I beg to state that while the Act of June 4, 1901, provides that "institutions of purely public charity

shall not be subject to tax or municipal claims, except for removal of nuisances, for sewer claims and sewer connections, or for the recurbing, paving, repaving or repairing the footways in front thereof," the Act applies only to liens filed subsequent to its enactment, and not to liens filed prior thereto.

The above lien was filed some years prior to the Act of 1901 and is therefore not within its contemplation. The matter comes properly under the ordinance of Councils approved July 17, 1902, which authorizes and directs the City Solicitor to satisfy and stike off liens for water pipe laid prior to the Act of 1901 in front of institutions of purely public charity "upon payment by the institutions affected by such liens of all costs accrued by reason of the filing thereof."

Under this ordinance it has been the practice of the City Solicitor to require satisfactory proof, by affidavit or otherwise, that the institution claiming exemption is in fact a purely public charity. It devolves upon the institution in question to furnish this Department with satisfactory evidence that it is a purely public charity, in which case the lien will be satisfied and stricken off upon payment of the costs.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 28, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter dated January 24th, from John S. Dove, Jr., Superintendent of Real Estate, and approved by you, inquiring, first, whether the duty to issue venders' licenses is properly placed in the Bureau of City Property; and, second, whether the

Department has a right to refuse to grant more than one license to one applicant.

In reply to the first question I may say that the first section of the ordinance of April 11, 1893, page 216, provides that the owner or owners of any cart, etc., or any person using the same for the purpose of carrying and exposing to sale in the public streets, etc., shall * *

* apply to the Commissioner of Markets and City Property for a license * * *. It will thus be seen that Councils have placed in the Commissioner of Markets and City Property the duty of issuing the licenses, and inasmuch as the duties of the Commissioner have devolved upon the Bureau of City Property, that Bureau is the only one that can lawfully issue such licenses. The advisability of placing the duty of issuing such licenses in a particular board or department rests entirely in the discretion of Councils, and unless they amend the ordinance in this particular by transferring to the Bureau of Highways the duty of issuing the licenses, that Bureau has no jurisdiction to do so.

With respect to the second question, I am requested to "flatly determine the right of this Bureau to refuse to grant more than one license to any one applicant unless we have proof of his or her intention to use the vehicle or vehicles strictly in the business conducted by the applicant." This question is somewhat ambiguous. On the 23d of December, 1912, I advised you that any person had a right to secure more than one license under the provisions of this ordinance. After providing, in Section 2, that licenses shall only be granted to citizens of the United States, Section 3 of the ordinance provides that a license shall be secured for each and every cart, etc., used for the purpose of hawking, vending and peddling fish, etc. It thus appears that the license is not altogether in the nature of a personal one, but partakes in a measure of the nature of a license of the vehicle. The latter part of the same section provides that upon the sale or transfer of the vehicle it shall be the duty of the owner of the license therefor to appear at the office of the Commissioner and state to whom the sale or transfer has been made,

and have the same endorsed without charge upon the certificate of license. The purpose of this part of Section 2 is obvious. It is to give to the Commissioner the power to supervise the transfer and sale of the license to the extent of preventing its sale or transfer to one not originally lawfully entitled to such a license.

An analogy may be drawn between the right of the Bureau of City Property to refuse to make a transfer of the license and the right of the Commissioner of Highways to refuse to relicense an automobile purchased by one not entitled to a license from an owner holding a license for it. If it appears for any reason, such as that the transferee is an alien, that the Bureau of City Property would have a right to refuse him an original license, it would be authorized to refuse to endorse the transfer to him upon the certificate of license presented in accordance with Section 3 of the ordinance. Again, if it appears that the sale or transfer of a license by one lawfully holding the same has been made to one not lawfully entitled to it, I am of the opinion that so far as the transfer is concerned such license could be revoked. In other words, while an individual is entitled to more than one license and is entitled to sell the vehicles for which they were issued and have the license transferred to the buyers, yet he cannot make a transfer thereof to one not entitled to hold the licenses.

This, I am of the opinion, is the extent of the authority of the Department to refuse to grant such a transfer.

Of course, such a license could only be used in the business for which it is lawfully issued.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 30, 1913,**Appropriation High Pressure Fire Main System.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I have received your letter of the 23d inst. embracing a communication to yourself from the Director of the Department of Public Works, and inquiring whether a part of the appropriation under Ordinance of July 21, 1911, for the completion of the High Pressure Fire Main System in the Mill District may be used to acquire a storage yard for excess material, and for the construction of certain fireproof lockers and other articles for the comfort of the crews, as well as for the purchase of an emergency and extension car.

The funds in question were a part of the loan contracted under authority of the Ordinance of June 19, 1911, for the completion of the High Pressure Fire Main System in the Mill District, and I think this language would be broad enough to warrant the expenditure of the money in the manner suggested as a part of the completion of that System, but the appropriating ordinances have somewhat limited the use of the money. Thus, the ordinance of July 16, 1909, provides that the appropriation be "for the High Pressure Fire System in the Mill District, to be expended for the extension of the Fire Main System in said section of the City," etc.; and the ordinance of July 21, 1911, making a further appropriation, provides that it shall be "for the completion of the High Pressure Fire Main System in the Mill District, in accordance with the ordinance approved July 16, 1909."

The fund on hand is stated to be insufficient for further extension of the pipe lines, but the intent of the ordinances of July 16, 1909, and July 21, 1911, seems to be that the appropriation should be used for that specific purpose. I would therefore recommend that before using it for the

purposes in view, the passage of another ordinance be procured, specifically authorizing this to be done.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 30, 1913,

*Payment of the Welsbach Street Lighting Company for
January.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 29th inst., wherein you state:

“It is going to be necessary for us to make some deductions from the warrants to be paid the Welsbach Street Lighting Company for gasoline lighting during the month of January. This is due to the fact that, as a result of tests made in accordance with the terms of the contract, we find their candle power below that called for.”

You ask how you should make this deduction in order to comply with the legal necessities.

Under the specifications annexed to the contract and made part thereof, it is provided, among other things, as follows:

“Paragraph 8. Lamps will be tested photometrically as to actual street illuminating power as described, and the minimum illuminating power they shall be required to furnish on the street at all times under the conditions herein specified will be sixty (60) candle power.”

“Paragraph 9. Herein it is provided that the City shall test twenty-five (25) lamps, and ‘the average

candle power of the lamps so tested shall constitute the basis for calculating the light furnished by the lights during the month, and for which the charge is made.' ”

“Paragraph 10. If the average candle power of these twenty-five (25) lamps falls below the minimum candle power required by these specifications, then the contractor shall receive as full payment for that month the proportion of the total amount otherwise due him that the average candle power obtained in the tests bears to the minimum required candle power.”

“Paragraph 12. To prevent all disputes and litigations, the Director shall in all cases decide every question which may arise relative to the execution of this contract on the part of the contractor, and his decision shall be final.”

The bill for the month of January being first made out for the number of lights furnished at the contract price, based upon sixty (60) candle power per light, you will deduct therefrom proportionately (in accordance with the contract rate) for the candle power *not furnished*, and therefore not to be paid for, and have the warrant drawn for the amount thus ascertained to be due the contractor, it being expressly stipulated in paragraph 10 of the specifications, as I have already pointed out:

“If the average candle power of these twenty-five (25) lamps falls below the minimum candle power required by these specifications, then the contractor shall receive as full payment for that month the proportion of the total amount otherwise due him that the average candle power obtained by the tests bears to the minimum required candle power.”

It will not be necessary to write into the body of the warrants the words “payment in full.”

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 30, 1913,**Restrictions Affecting Pier No. 14, Delaware River.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your favor of the 28th inst., directing attention to Section 2 of the ordinance of March 12, 1909 (Ordinance, page 24), referring to Delaware River Pier No. 14 (near Dock street), owned by the Pennsylvania Railroad Company, and making inquiry as to the restrictions existing in favor of the City, and thus expressed in said ordinance:

“subject to the express condition, that the City of Philadelphia, and those using the pier (hereinafter designated the City Pier) shall have the free, uninterrupted and exclusive use of the southernmost thirty-two feet of the dock or water front in the above mentioned premises, whenever and as often as any vessel lying and being on the north side of the said City Pier shall be engaged in receiving or discharging its cargo or stores, or while being coaled, or loaded or unloaded, by lighters or barges, or floating grain elevators or otherwise, and whenever and as often as the use thereof shall be required in the docking of any vessel, or for any other purpose necessary for the proper and adequate use of the said City Pier.”

You say in your letter “the restriction on the thirty-two (32) feet water way is one which the Railroad Company is anxious to get rid of and is willing to pay money to the City for the purpose.”

The language of the restriction is quite broad and comprehensive. If, however, in the judgment of your Department, the restriction can, without detriment to the City's interests, be dispensed with, there would seem to exist no reason why the restriction could not be released by the

City for such consideration as might properly be agreed upon with the Railroad Company. It would, of course, be necessary for City Councils, by appropriate ordinance, to first authorize this to be done.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 30, 1913,

Removal of Dangerous Walls Following a Fire.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of the 28th inst., whether it would not be possible under the general police power to secure the removal of all dangerous walls following a fire by having the firemen attached to the Bureau of Fire remove such unsafe walls at once, under the direction of the Bureau of Building Inspection.

You state that the method prescribed by the Act of Assembly is sometimes found to be slow, and that if the walls could be removed in the manner suggested it would effect a practical solution of a difficult problem.

The Act of May 5, 1899 (P. L. 193), in Section 4, authorizes the Inspectors of Buildings under the direction of the Chief of the Bureau, to inspect all buildings damaged by fire or accident, of which a record shall be made, with the name and address of the owner or agent, etc. Section 51 of that Act provides the procedure for the removal of all dangerous walls, etc., by judicial order following final decision of the Bureau, or an Examining Commission. The Court may require compliance with such order or decision within five days, or "within a shorter time if the relief sought is the removal of a dangerous wall,

ceiling or structure, and the Court sees fit to fix a shorter time."

This would appear to furnish a method for obtaining speedy action in accordance with the emergency.

If the necessity for the removal of a wall at the time of a fire, or immediately afterwards, is indispensably urgent to prevent the spread of the flames, or to insure the safety of the public, your Department would be justified in ordering its removal without awaiting legal process; but this hasty and summary action should be resorted to sparingly, and only in the clearest cases of absolute and immediate danger. In all other cases resort should be had to the proceedings prescribed by the statute until it shall be amended or new legislation may provide other remedies.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 30, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I have your letter of the 28th inst., enclosing for criticism and review a proposed amendment to Section 15 of the Act of June 8, 1907, creating your Department, to give to the City a more liberal power of condemnation.

I think that certain complications would be escaped by making a new and independent Act to cover the purposes in view rather than to amend the old Act, and I have re-drafted the form of amendment so submitted into a separate statute, adhering in the main to the language in the form which you have had prepared. I have made some few changes, however, most of them merely verbal, but some slightly altering the substantive provisions. For ex-

ampe, I have thought it best to eliminate the requirement that notice of the passage of the ordinance must be given within five (5) days, because I fear that if through any accident more than the five days should elapse before the giving of the notice, the ordinance might be held to be ineffective. The other changes require no special comment; they will readily be discovered upon a comparison between the two.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 31, 1913.

Power of Attorney Mark P. Wells to Wells Construction Company.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I return herewith the power of attorney from Mark P. Wells to the Wells Construction Company, for the payment to that company of moneys due to Mr. Wells as contractor with the City to furnish and deliver materials and perform all work and labor in erecting Cottages "F," "G" and "H," etc., for Home for the Feeble Minded, at Byberry Farms, Philadelphia, dated October 5, 1912.

This instrument is, in my judgment, in proper form and would duly authorize payment to the Wells Construction Company in accordance with its terms, but before any such payment should be made the surety for the contractor upon the contract and penal bonds should consent thereto in writing.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, January 31, 1913.**In re Proposed Supplement to Act of June 8, 1907.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of January 30th, enclosing copy of a proposed supplement to the Act of June 8, 1907, creating your Department, and of a form of amendment to the tenth, twelfth and fifteenth sections of that Act, which you are kind enough to submit for the criticism and suggestion of this Department, both as to policy and form.

I see no legitimate objection to the policy of these proposed Acts, and they seem to be in excellent form. I have no suggestion to make with regard thereto, except that after the word "director," on the third line from the foot of the second page of the amending Act, the words "of the Department of Wharves, Docks and Ferries" might perhaps be inserted in order to avoid any possible ambiguity, making it read:

"That said Bureau of Building Inspection shall notify the Director of the Department of Wharves, Docks and Ferries of such application," etc.

The amendment of Section 15 was dealt with in my letter of yesterday, in which I suggested that it be made an independent Act. I did not then know that you intended to amend other sections of the Act of 1907. Perhaps, in view of this fact, it would be better to embody the new provisions in the amending Act and not as a separate statute. This can readily be done, if you prefer the form suggested by me, by omitting the title and the words "Section 1" and "Section 2," letting it run on continuously, and the present Section 15 being first cited as you have it in the draft now submitted to me.

If I can be of any further assistance in the matter I shall, of course, be glad to do whatever lies in my power.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 31, 1913.

Partial Payments on Account of Contract—Otis Elevator Company.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 27th inst., enclosing a communication to yourself from the Chief of the Electrical Bureau concerning the contract with the Otis Elevator Company, dated October 7, 1912, for the installation of new passenger elevators in City Hall. It is suggested therein that, as it will take several months for the completion of this contract, monthly payments on account of the work actually installed to the extent of eighty per cent. of its value should be made, this being the usual arrangement.

It is further stated that the interests of the City would be amply protected by such an arrangement, and that, while the contract does not provide for any method of payment on account, the specifications imply that there will be partial payments. You further state that this arrangement is entirely satisfactory to you.

The specifications provide (page 9) that "all payments on the work during its progress on account of the contract or extra work shall be made upon the certificate of the Chief of the Electrical Bureau as agreed upon and stipulated in the contract, and such payments shall in no case be construed as an acceptance of the work executed."

Turning to the contract, it does not appear that any stipulation has been made with respect to partial payments, nevertheless I am of the opinion that you have the discretion if, in your judgment, the interests of the City would be best served by making such payments to do so, provided the work already completed under said contract has been approved by the Chief of the Electrical Bureau and the amount retained is ample to protect the City from any possible loss or damage in the future, and that the Surety Company shall first assent in writing to such partial payments.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 1, 1913.

Schuylkill River Dredging.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 31st ult., stating that because of the increasing draught of vessels of the Federal Government and of private corporations which are in the habit of being upon the Schuylkill River, and because of the refusal by the Government to do any dredging thereon, such dredging must be done by the City; that it will hardly be worth while to do this work and materially deepen and widen the channel of that river unless provision be made to prevent mud washing into the streams from the marshlands on either side, which can only be done by the construction of bulkheads.

You state that the construction of these bulkheads in front of private property should be at the expense of the property owner, as it will add to the value of the

land; and you inquire whether there is any existing law or ordinance authorizing such proceeding, and, if not, whether an ordinance would suffice for the purpose or whether it would be necessary to secure the passage of an Act of Assembly.

The expenses of the construction of bulkheads could not be imposed upon the owners of the private property without an Act of Assembly authorizing this to be done. An ordinance would not be sufficient for the purpose, and I do not find any Act of Assembly conferring the authority in question.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 3, 1913.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—In response to your request, I think an annotation in the following form should be made upon the power of attorney of Mark P. Wells and executed by the president and secretary of the surety company under the seal of said company:

“We, the _____ Company, the surety of Mark P. Wells, upon the within named contract on the contract and penal bonds accompanying the same, hereby agree that payments may be made as provided in this instrument, without in any manner whatsoever modifying or affecting our liability upon said bonds or either of them or our responsibility otherwise as such surety.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

Philadelphia, February 3, 1913.

Right of City to Grant Privileges for News, Bootblacks' and Florists' Stands in Public Squares, etc., particularly around City Hall.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter from the Superintendent of Real Estate, approved by the Chief of the Bureau of City Property and by yourself, stating that said Bureau wishes to establish a policy with respect to news stands, bookblack stands and florists' stands in public squares, on the City Hall pavement and in its corridors, and on or about any real estate owned by the City. He inquires whether the right exists to grant privileges such as these for a consideration, particularly those in and around City Hall.

The ordinance of December 6, 1871, page 476, makes it unlawful for any person to erect or maintain cake, fruit or other stands adjoining or in front of City property without the consent of the Commissioner of Markets and City Property (whose authority in the premises has been transferred by ordinance of March 22, 1888, page 191, to the Chief of the Bureau of City Property) under penalty of five (5) dollars for each day said stands are allowed to remain.

In the case of *Philadelphia vs. Sheppard*, 158 Pa. 347, this ordinance was cited as justifying the erection of such stands in front of private property. By inference, the ordinance gives the right to the Bureau of City Property to authorize these stands, but the "consent" in other years has always been attended with complaints of favoritism or discrimination.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 4, 1913.

*Auto Transit Company—Grant of Privilege to Carry
Passengers for Hire.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 3d inst., enclosing copy of an ordinance of April 21, 1911, granting to the Auto Transit Company the privilege of carrying passengers for hire on Bustleton Avenue, between Bridge street and Somerton. You ask whether your Department has control over that Company so that you can stipulate the schedule under which they must operate during the various seasons of the year, and the rates of fare to be charged.

I do not find anything in this or other ordinances upon the subject, which would give to your Department the power concerning which you inquire.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 4, 1913.

Claim of Keystone Telephone Company for Extra Compensation for Renewal of Contract for 1913.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—Your communication of January 4th, concerning the right of the Keystone Telephone Company to be compensated for connecting the police stations with the switchboard in Room 629, City Hall, has awaited the brief or memorandum which you stated that company desired to submit and which has but recently been received.

The controversy involves the obligation placed upon the Keystone Telephone Company by that portion of the ordinance of December 26, 1902, granting authority to it to operate its telephone system, etc., which provides that "the said company shall place its telephones in all police station houses without cost, when ordered by the Department of Public Safety, and shall thereby furnish to its subscribers and patrons free communication with the police system."

My attention has not been called to any other portion of this or other ordinances which might modify the duty thus devolved on the company, and I find no such modifying legislation.

The question which arises is whether the language of the ordinance above recited requires the company to furnish to the City, without charge, a system of wires between the police stations and the Bureau of Police at its headquarters in City Hall; or whether the terms of the ordinance are not satisfied by the action of the company in connecting the police station houses with its nearest exchanges.

It appears that the wires connecting the City Hall switchboard and the police stations were at first open

to the use of the public generally, but afterwards, by order of Mr. McLaughlin, when he was Chief of the Electrical Bureau, the use of these wires was restricted to the police officials of the City.

In the letter to yourself from the present Chief of the Electrical Bureau, in requesting the opinion of this Department as to whether the City is liable for mileage charges for the said wires or cables between the police stations and City Hall, he asks, "if we take away the prohibition concerning free use by the Keystone's patrons, or if we make some equitable payment to the Keystone Telephone Company for retaining that prohibition, whether the present arrangement should not be construed as fulfilling the requirements of the ordinance." The company, on the other hand, states its position to be that the service it is furnishing and for which it expects to collect wire mileage, has nothing to do with free service under the ordinance, being a special service to a special switchboard for the use of the Police Department and connected by special wires with the various police stations, and further says: "What we desire and think is our right, is to place our 'phones in the police stations and connect them to the nearest telephone exchange, thereby complying with the ordinance. If the City desires a special police service for the exclusive use of the Department, I feel that they should pay for it."

After a careful examination of the circumstances so forcibly and persuasively marshalled by the Chief of the Electrical Bureau, I am forced to conclude that they do not establish a fixed usage which would change the obligation of the telephone company as prescribed by the ordinance. That obligation is to place its telephones in all police station houses without cost when ordered by the Department of Public Safety, and thereby furnish to its subscribers and patrons free communication with the police system.

The City, in granting privileges to the company, might, if it had so chosen, have designated the means by which the subscribers and patrons were to have free communication with the police system. Not having done so, the

choice of such means is left open to the telephone company, and it seems to me that the company will fulfill the requirements of this clause of the ordinance by placing its telephones in the police stations when directed by the Department of Public Safety and by connecting such telephones with its nearest exchange so that free communication with the police system through the same and other exchanges is furnished to its subscribers and patrons. As to any other arrangements which might be made with respect to inter-communication between the various parts of the police system, this portion of the ordinance is silent, and such arrangements therefore would require a further and separate agreement to be made to carry them into effect.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 5, 1913.

Condemnation of Wharf Properties—Proposed Act.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of your letter of the 4th inst., in reference to draft of an Act giving the City a more liberal power of condemnation as to wharf properties, and enclosing a letter to yourself upon the subject.

Raking up the suggestions contained in the latter, the word "other" was used to distinguish between City owned property and property held for other public uses. I see, however, that that word may import some degree of uncertainty, and I therefore eliminate it.

The object of requiring the City to enter security "forthwith" was to conform to the suggestion of your letter of the 28th ult., that the Act should be so drawn

as to avoid unreasonable delay by the City in taking steps to condemn property after the passage of an ordinance for that purpose. Having stricken out the provision with respect to giving notice within five days, it seemed to me that some such word as "immediately" or "forthwith" might be profitably inserted to indicate a requirement for prompt action on the part of the City and thus aid in insuring the passage of the Act. However, the word may well be omitted.

With respect to the procedure—whether it should be in the Court of Quarter Sessions, as in the case of opening of streets, or in the Common Pleas, as in the ordinary condemnation for municipal purposes—I agree that whichever method is decided upon should clearly appear in the Act and all ambiguity should be removed.

I have accordingly had the draft of the proposed Act changed so as to conform to the foregoing suggestions.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 6, 1913.

Abatement of the Smoke Nuisance.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication from the Secretary of the Permanent Committee on Comprehensive Plans, duly approved by you, propounding a number of inquiries with respect to the enforcement of the ordinance of December 9, 1904, page 210, as amended, to regulate the emission of smoke from chimneys, stacks, etc. I shall take these up in their order:

1. (a) "Does the provision in Section 4 of the present 'smoke ordinance,' stipulating a penalty of twenty-five (25) dollars for 'each offence,' mean that the emission of smoke beyond the prohibited degree of density for a period of one minute may be considered an offence?"

Any emission thereof is an offence irrespective of its duration.

(b-c) "Do the words 'each offence' mean that the continuous, uninterrupted and interminable violation of the provisions of the ordinance constitutes 'an offence'?"

In brief, is it possible to bring several actions against one person, firm or corporation for the imposition of several penalties for successive violation of the 'smoke ordinance' occurring on the same day?"

Section 4 of the ordinance prescribes the penalty for each offence, but does not state what shall constitute an offence. In my judgment, each distinct act of the emission of smoke, though several or even many such acts should occur upon one day, would constitute a distinct offence and subject the offender to a separate penalty.

2. (a) "If an offender is particularly notorious and is continually emitting smoke beyond the prohibited degree of darkness, causing damage to other property owners so as to unreasonably interfere with and disturb the peaceful and comfortable enjoyment of their property rights, has a court of equity jurisdiction in an action to restrain the commission of such a 'continuing trespass'?"

A continuing injury, such as is described, would doubtless authorize a court of equity to act by way of injunction to restrain the same. The character of injury described in this inquiry is, however, at least primarily, a private one, and the proper parties in the first instance to seek relief in a court of equity would be those whose "peaceful and comfortable enjoyment of their property rights" might

be affected. I think it might be open to serious question whether the City would have a standing in such circumstances to vindicate the rights of such property owners.

(b) "In such instances is it not possible for the City to claim its remedy at law is exhausted and to seek an injunction restraining such a 'continuous nuisance' for the benefit of the citizens and the enforcement of its civic rights?"

To this question the answer to the preceding one would apply. As to the "enforcement of its (the City's) civic rights," in the case of *Philadelphia vs. Lyster*, 3 Superior Ct. 475, it was held that equity would not lend its aid to enforce by injunction the ordinances of a municipal corporation restraining a certain act unless the act is shown to be a nuisance *per se*, and that the mere fact that a certain thing is prohibited by ordinance and declared to be a nuisance does not necessarily render it such so as to authorize an individual or the City itself to have it enjoined. It was further held in that case that "the remedy for unlawful acts alleged rests with the legislative branch of the City government, and if an adequate remedy is not provided, that fact will not give a court of equity jurisdiction to supply the defect in the ordinances by injunction in the absence of proof of an honest effort to enforce its provisions and its inadequacy demonstrated." This case, in my opinion, correctly indicates the law upon the subject, and, under the doctrine thus enunciated, it is seen that the primary consideration in each case is whether an actual nuisance exists, irrespective of the provisions of the ordinance, and the proper remedy is to enforce existing penalties; or, if they be inadequate, to provide new ones before having resort to a court of equity.

3. "Is the operation of a locomotive round-house within the City limits a nuisance because of its damage to adjacent properties by defiling and damaging them with smoke and dust and by corrupting and tainting the atmosphere with offensive gases, making life in such adjacent properties uncomfortable and unsafe?"

Whether the operation of a locomotive round-house constitutes a nuisance will, in each instance, depend upon many facts and circumstances which cannot be applied indiscriminately. In so far as the ordinance of 1904 affects that particular branch of the subject, it authorizes the emission of smoke of a greater degree of darkness than "No. 1 scale" for not more than five consecutive minutes from any locomotive standing with banked fires, or engaged in shifting, or for a period of not more than ten consecutive minutes while its fires are in process of cleaning or preparing for starting. If these provisions be complied with, no penalty could be invoked; if they be violated, the proper penalty could be recovered as the ordinance decrees.

4. "Does the exemption clause with reference to locomotives prevent the City from seeking the restraint of a continuous nuisance created by a round-house or engine yard in the heart of a city wherein are congregated large numbers of engines, none of which may be violating the provisions of the 'smoke ordinance' and in the aggregate number may be continuously discharging dense clouds of smoke, soot and gases, causing the depreciation in value of adjacent property, not only to the loss of the owners, but to the City in the resultant decrease in tax revenues from such 'blighted district'?"

If I understand this inquiry, it is whether a railroad company complying with the permissive clause of the ordinance above quoted may be restrained by the City from continuing the emission of smoke, because the aggregate volume of smoke is such as to cause the depreciation in value of adjacent property and a decrease in the tax revenue to the City in the district affected. In so far as the depreciation in the value of adjacent property is concerned, this is a matter for private litigation. "The resultant decrease in tax revenues" I fear would be too remote a ground of action to justify the City's intervention. Moreover, if by its own ordinance it expressly authorizes certain acts to be done, the City would appear

with ill grace in a court of equity asking that such acts be restrained by injunction.

5. "Can a railroad company operating hundreds of engines into a terminal city plead statutory sanction in justification of acts which constitute a nuisance to private property, unless they are expressly authorized by the statute under which the justification is made, or by the plain and necessary implication from the powers expressly conferred?"

"In other words, can the various railroad companies entering Philadelphia plead that their franchise rights give them the power in the course of operating their engines to emit any quantity of smoke?"

I think no railroad company has any statutory authority under which it may over-ride the police power which the City possesses to regulate the emission of smoke by a reasonable and proper ordinance for that purpose.

6. "Can the railroads be prohibited by ordinance of Councils from using bituminous coal within the corporate limits?"

Yes, if, in view of all the facts involved, such an ordinance were regarded by the courts as a reasonable and proper restriction.

7. "Can the City of Philadelphia or the Commonwealth of Pennsylvania compel the electrification of all railroads operating within the limits of the City of Philadelphia?"

The Commonwealth of Pennsylvania may compel the electrification of railroads operating within the limits of populous cities, and, in my judgment, this is a subject as to which the legislative classification of cities, as provided by existing statutes, by virtue of which Philadelphia is the only city of the first class, would be held valid. The City of Philadelphia would not have the right to require the electrification of such railroads, though pos-

sibly other ordinances upon the subject of smoke which would be within its power might indirectly have that effect.

8. "Under the present ordinance is it lawful for the City of Philadelphia to enter into an agreement with a violator of the 'smoke ordinance' wherein the City will grant an extension of a definite length of time in which the offender will agree to install such automatic appliances or make such changes in his boilers as will be necessary in order that he may comply with the provisions of the ordinance?"

"If so, can the City compel the offender to furnish bond satisfactory to the City Solicitor for his performance of the agreement?"

"If so, can a clause be inserted in the agreement to the effect that the offender confesses to the violation of the ordinance on the days and times named and asks that suit be stayed pending the proper equipment of his boilers, and that upon his failure to comply with the ordinance on and after a certain time, execution may be issued for the amount of the fines confessed?"

The City of Philadelphia might, by forbearance in certain cases, substantially effect the purpose which these inquiries seem to have in view, with, perhaps, some modification in detail as to the manner of reaching the desired result. If this inquiry means whether "under the present ordinance" the executive authorities of the City might enter into and carry out such arrangement, I think that a further ordinance should be procured either authorizing this to be done or ratifying the action of the Mayor or head of Department after such action has been taken. Otherwise the procedure should be less formal than that suggested.

9. "Can the present ordinance be improved by amendments, and how?"

Underlying this inquiry is a question of policy. On the one hand are many considerations relating to the health, comfort and the cleanliness of the City and its inhabitants,

and the lessening of the damage to property caused by the unchecked emission of smoke and soot. On the other hand, it may be urged that an unduly stringent prohibition of smoke emission in a great center like this City, which so largely depends upon manufacturing and kindred employments for its industrial welfare, would work incalculable injury by too narrowly restricting such pursuits, and thus driving away many establishments devoted thereto with the hundreds of thousands of workmen and artisans, to whom they give occupation, and their families. Between these conflicting views this Department cannot presume to decide what character of change or amendment of the ordinance would improve it; or whether, perhaps, certain regulations might not advantageously be limited to prescribed sections of the City. Should the question of policy be determined, however, the amendment of the ordinance, especially in the direction of greater definiteness, may with benefit be brought to the attention of Councils.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 10, 1913.

Penalty for Non-completion of Contract Within Time Limit.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring as to the interpretation of the clause in various contracts pertaining to the work of that Bureau which provide for the deduction of a certain amount per day "for each and every day the said work shall remain

uncompleted after the time specified for its completion." In some of the contracts this provision follows the requirement for the completion of the work on or before the expiration of — months from the date of notice to commence it, and in other instances it is provided that the work shall be completed on or before the expiration of — working days from the date of such notice.

The inquiry is whether the amount to be deducted is to be computed for each working day of incompletion after the expiration of the time limit, or shall Sundays, holidays and rainy days be included in the calculation of the sum to be thus deducted.

Where the stipulation is that the work is to be completed before the expiration of a certain number of working days I think it clear that "working days" is also understood as the basis for the calculation of the penalty, or, as it is called, the liquidated damages. Nor in any event should Sundays be included in a computation of this character. I think no injustice will be done to the City nor its interests be unduly prejudiced if the number of "working days" which the contractor may be in default is alone looked to in determining the amount of the deduction, whether the period of completion be stated in months or working days.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 11, 1913.

Interpretation of Ordinance as to Wooden Sheds, etc.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 8th inst., with respect to open shelter sheds of wood and em-

bracing a communication to yourself from the Chief of the Bureau of Building Inspection. That official states that his Bureau has heretofore interpreted the words "open shelter sheds," as used in the ordinance of March 28, 1894, to regulate the construction of frame buildings, fences and bay-windows so that when a shed is enclosed on all four sides it ceases to be a shed and becomes a wooden building. This interpretation I think is correct.

It is further suggested that the ordinance referred to is superseded by the Act of May 5, 1899, Section 47, of which provides that Councils may, by general ordinance, permit and regulate the erection of frame sheds on wharves or elevators, for storage purposes, the mode of construction and location to be subject to the approval of the Bureau of Building Inspection. The thought evidently is that, since the later Act of 1899 specifies certain locations and purposes as to which sheds may be authorized, the previous ordinance, which is in more general terms, is thereby superseded. The contrary as to the effect of a later Act of Assembly not in distinct conflict with an earlier ordinance was decided in *Brazier vs. Philadelphia*, 215 Pa. 297.

I am of opinion that the provision of the Act of 1899, to which reference is made, does not repeal or supersede Section 10 of the ordinance of March 28, 1894.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 11, 1913.

*Authority to Change Name of Property Owner on
Registry Books upon Affidavit.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 3d inst., from the Chief Engineer of the Bureau of Surveys, ap-

proved by you, inquiring as to the authority of the Registrar of that Bureau to change the name of the owner in the registry books on the affidavit of Robert J. Byron, who is the grantee of certain lots of ground, as to which he deposes that he is not individually the owner, but holds the same as the surviving trustee in favor of certain persons named.

The relevant Acts on this subject are those of March 14, 1865 (P. L. 321), and March 29, 1867 (P. L. 600). Under these Acts the Surveyor of the City is required to have books of plans of said City made showing, among other things, who are the owners of the various lots of real estate therein, which plans it is directed shall show at all times who such owners may be. For this purpose it is made the duty of the buyers and sellers of every lot to make report to the Surveyor of every conveyance made, and if they shall omit to do so, the Recorder of Deeds is forbidden to admit any conveyance to record in his office without making a charge to cover the expense of furnishing a description of such lot to the Bureau of Surveys for the purpose of registry. The purchasers of lots at judicial sales, the devisees under wills, those to whom purparts may be allotted in partition proceedings, and the Sheriff, when he sells real estate, are all required to present their title papers to the Registry Bureau in order that such papers may be duly endorsed and the registered ownership changed accordingly, the books of plans thus being brought to date.

It is seen from these statutes that no deed may be recorded unless the proper modification in the registry of the property conveyed is made as the law requires, but the converse of this is not directed by any Act of Assembly. The duty devolved upon the Recorder of Deeds applies only when conveyances are brought to him to be recorded. The recording of title papers in his office is, as was pointed out by Judge Kinsey (Opinions, City Solicitor, 1900, page 32), a voluntary act which may or may not be performed; but the statutes referred to make the registration of the changed title in the Survey Bureau obligatory. It may thus happen that a registered conveyance

of title will not be recorded. If the grantee were to make a declaration of trust as to the property registered in his name, he might, and in compliance with legal requirements, should procure it to be registered (though he might omit or neglect to have such declaration recorded), and it would be none the less the duty of the Bureau of Surveys to receive it for that purpose.

I think the affidavit in question may, with respect to the present inquiry, be regarded as if it were such a declaration of trust, and in this view its presentation would justify the making of the proper entry upon the registry books. The affidavit should, of course, be retained, and I would suggest that some note of it be made on the registry books to show the reason for the change, as "see affidavit," or "per affidavit on file," or in such other form as may seem to you proper.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 11, 1913.

JOHN P. CONNELLY, Esq.,

Chairman, Finance Committee,
Select and Common Councils.

DEAR SIR:—Permit me to acknowledge the receipt of the invitation of the Finance Committee, of this date, to be present at the public meeting to be held under its auspices on Thursday afternoon next.

During the past year, in answer to requests from you and from his Honor, the Mayor, I have sent various communications upon the subject of municipal taxation. Some of these have been printed and all of them will appear in the Opinions of the City Solicitor, accompanying the ordinances passed by Select and Common Councils during the year 1912. In addition, I call you attention to a portion

of the annual report which it is my duty as City Solicitor to present on or before the first Monday of February. It is as follows:

TAX LEGISLATION.

"The problem of securing additional revenue for the City is most difficult to solve. That Philadelphia needs a greater income is plain to every one. We are now spending more money than we collect. No individual could so do and exist. The old plan of borrowing to pay current expenses was immoral, and our loan limit for any purpose is now almost reached.

"To suggest increased taxation arouses anger, and those from whom it is proposed that it should be taken are always resentful. The tax gatherer was never a welcome guest since the dawn of civilization, but Philadelphia is confronted with conditions that must be grappled with. To tax manufacturers or increase the burden upon industries whose commodities are sold either here or in other markets is contrary to the whole fiscal policy of the Commonwealth since the days of Penn, and would only result in disaster. I respectfully submit the following explanation and some suggestions:

"Under the law as it now exists substantially all property subject to taxation is already taxed excepting 'occupations,' a tax upon which is open to many objections. In a large city it is difficult to collect, it is annoying to those required to pay it, it is easy to escape, and it is unfair in its application since it cannot be graded according to the profits or emoluments of those following particular 'occupations' lest it become an income tax.

"The main source of our City's income is the tax upon 'real estate,' and the judicial definition of this species of property under the Act of April 29, 1844, Section 32, by virtue of which it is levied, instead of being restricted as it is, should be enlarged by legislative enactment to conform to modern conditions

and to include the property of public service corporations which, since they enjoy especial franchises, can well afford to pay a tax upon their tangible property of every kind. Such enlarged definition was judicially suggested in interpreting another Act as far back as in the case of *Schuylkill Bridge Co. vs. Fraley*, 13 Sergeant & Rawle, 422, in which the Judges stated that the Legislature, being annually in session, taxation might be extended to those companies whenever it was deemed proper that this should be done. Many other States have imposed such taxes, and, as a sample thereof, the New York Act of 1909, which is most comprehensive in its terms, may be cited. That Act is in the following terms:

“The terms “land,” “real estate” and “real property” includes the land itself, above and under water, all buildings and other articles and structures, sub-structures and super-structures erected upon, under or above or affixed to the same; all wharves and piers, including the value of the right to collect wharfage, cranage or dockage; all bridges, all telegraph lines, wires, poles and appurtenances; all supports and enclosures for electrical conductors, and other appurtenances upon, above and under ground; all surface, underground or elevated railroads, including the value of all franchises, rights or permission to construct or maintain or operate the same in, under, above or through streets, highways or public places; all railroad structures, sub-structures and super-structures, tracks and the iron thereon; branches, switches and other fixtures permitted or authorized to be made, laid or placed in, upon, above or under any public or private road, street, or ground; all mains, pipes, and tanks laid or placed in, upon, above or under any public or private street or places for conducting steam heat, water, oil, electricity, or any property, substance, or product capable of transference or conveyance therein, or that

is protected thereby, including the value of all franchises, rights, authority, permission to construct, maintain or operate in, under or upon or through any streets, highways or public places, any mains, pipes, tanks, conduits, or wires, with their appurtenances, for conducting steam, water, heat, light, power, gas, oil, or other substances, or electricity for telegraphic, telephonic or other purposes, all trees, underwood, growing upon land, and all mines, minerals, quarries and fossils in and under the same. A franchise shall be deemed to include the value of the tangible property of a person, copartnership, association or corporation situate in, upon, under or above any street, highway, public place or public waters, or in connection with the special franchise.'

"The Act of 1844 was framed before the modern public service corporations had obtained their present development. Its language has always been held insufficient to include them, but I respectfully submit that the time has arrived for the Legislature to act and to make them contribute their share to the up-building of the City in which their business is carried on and from whence nearly all their profit comes. What reason sound in morals can be given for the exemption from 'real estate taxation' of many buildings scattered throughout the City belonging to the Bell Telephone Company and the Keystone Telephone Company—and these companies are only instances.

SUCCESSION TAX.

Direct inheritances may also afford a subject of taxation which is at least worthy of consideration. Thirty-six States have followed the early example of Pennsylvania in imposing collateral inheritance taxes, but this State has stood still and has not extended inheritance taxes to direct successions, as has been done in at least twenty-one other State and in

various foreign countries. The recent attempt to impose a State tax upon direct inheritance was found by the courts to be unconstitutional in attempting to grade such taxes so that with the increased amount of the inheritance more than the direct proportion of taxes should be imposed. This feature would, of course, for the time being, have to be omitted, but a direct inheritance tax as a county and not a State tax could be authorized by appropriate legislation and even at a low rate an addition to the real local revenue of more than a million dollars per annum could be secured.

PERSONAL PROPERTY TAX.

The four mills tax upon mortgages, moneys at interest, etc., commonly known as the 'personal property tax,' should, I respectfully submit, be collected by and retained in its entirety by the City, and not as now, collected by the City, transmitted to the State, and then three-fourths of it returned by the State to the City. It should be made a local tax to be levied by the county. If the Legislature will so amend this law, there would not only be added at least \$600,000 to our annual income, but there would result the collateral advantage of increasing the borrowing power of the City by \$40,000,000, thus enabling it to complete some of the projected improvements, for which there is an increasingly imperative demand.

These or some such changes in the laws relating to taxation in and by Philadelphia must be made, and even with them there should be removed from the City the seven per cent. constitutional limitation upon her borrowing power and the limit raised to at least ten per cent.

To amend the Constitution in the forms now prescribed will take four years, but I respectfully submit that the needs of this municipality are so urgent that the whole weight of its influence should be thrown

in the scales upon the side of a demand for a convention to frame a new Constitution.

There has been an awakening of the conscience of Pennsylvania, and now, if ever, should be the acceptable time."

Should the deliberations of your Committee result in any definite purpose, or should you determine upon any special plans, I shall be very glad to do all in my power to aid.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 14, 1913.

In Repairing of Sixty-third Street, South of Lancaster Avenue.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—In reply to the letter of Wm. H. Connell, Chief of the Bureau of Highways, to me, dated January 27, 1913, approved by you, relative to the pavement of Sixty-third street, south of Lancaster avenue, and in which you state, *inter alia*:

"* * * while there has been no definite agreement as to the maintenance of this particular portion of pavement it has been maintained by the City, and the cost thereof charged against the money paid the City by the Philadelphia Rapid Transit Company for the maintenance of streets occupied by railway tracks. In 1909 repairs to the amount of about one-half the area of the pavement were made, and in 1908 a sewer was built on the west side of Sixty-third street and the pavement restored."

I am of opinion that the facts above mentioned do not, of themselves, constitute an adoption of the pavement by the City.

In *Philadelphia vs. Dibeler*, 147 Pa. 261, the following language was used by the Court:

“When, therefore, the city authorities proceed to repair a street, it cannot be said to be a paving of said street, although said repairs should be extensive, and of a reasonably permanent character.”

In *Philadelphia vs. Eddleman*, decided in 1895, Mr. Justice Mitchell reviews the cases decided up to that time, and concludes his opinion as follows:

“Mere maintenance as a highway, and repairs and repavings for the purpose of such maintenance, are all that are averred, and these are not sufficient.”

In *Harrisburg vs. Funk*, decided in 1901, Mr. Justice Potter said:

“It is a question of fact in each case, but the governing consideration is the nature of the municipal action with regard to it: *Philadelphia vs. Eddleman*, 169 Pa. 452. Mere maintenance as a highway, and repairs and repavings for the purpose of such maintenance, are not sufficient: *Philadelphia vs. Dibeler*, 147 Pa. 261. Even the laying of gas pipes along a highway, and the grading, curbing and paving of sidewalks is not, in itself, sufficient evidence of municipal adoption to prevent a subsequent paving at the expense of the abutting property: *Dick vs. Philadelphia*, 197 Pa. 467. * * * In so far as the evidence is concerned, the municipal authorities apparently did nothing more than keep the street in ordinary repair. This was a duty incumbent upon them under any circumstances. * * *

Your letter also states:

“I would also request that the information asked for in my first letter be included; as to whether the

assessment for the new pavement from the southern end of the brick pavement to Malvern avenue shall be assessed against the properties fronting directly thereon or shall be apportioned to all of the properties in the block between Lancaster and Malvern avenues."

In reply to this request I advise you that the assessments should be made against only the properties in front of which the new pavement is laid.

Your letter further states:

"Still another question has been raised, whether in view of the fact that both the ordinance and the contract for the work called for paving with asphalt, from Jefferson street to Lancaster avenue, it will affect the assessment if the portion now paved with brick is not paved with asphalt."

As to this question I advise you that the assessment would not be affected if the portion now paved with brick is not paved with asphalt.

My advice is to complete the asphalt paving to Lancaster avenue and file liens against the abutting property owners, who, if they so desire, may test the matter in Court.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 15, 1913.

Evangelical Home—Assessment for Water Pipe Laid in Park Avenue.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of recent date relating to the "assessment against the Evangelical

Home, for water pipe laid in Park avenue," and requesting my opinion as to whether the Home is in fact a "purely public charity" within the meaning of the Act of June 4, 1901, exempting such institutions from assessments of this nature.

Upon receipt of your letter, I immediately sent to your Department for all data bearing upon the question, which I have carefully examined. It appears by affidavits furnished by the President and Secretary of the Home that this institution is open to the public, receiving applicants without restrictions as to their religion or affiliation with any particular society or organization, and without compensation, and that the income is less than the expenditures and no gain or profit is derived from its management. The by-laws of the Home provide that "members of the Evangelical Association and other persons can be received into this institution who are sixty years of age and over, who have no contagious or incurable sickness or disease and are not mentally unsound;" and further, "having no money and belonging to other sects shall bar no one from entering the Home, but members of the Evangelical Association shall receive preference." Persons able to pay are required to pay not less than five hundred (500) dollars entrance fee and sign a bond assigning and transferring to the Home all property belonging to the applicant or afterwards acquired. Admissions are regulated by the Board of Trustees.

In addition to the above facts, it appears that Councils have from time to time by ordinances recognized this institution as a "purely public charity" and relieved it from assessment bills prepared by the district surveyor for municipal improvements, and the property has been exempted from taxation by the Board of Revision.

In my opinion, the above facts are conclusive to the effect that this institution is a "purely public charity" within the meaning of the Act of 1901. The case comes squarely under the decision of the Supreme Court in *Episcopal Academy vs. Philadelphia*, 150 Pa. 565, in which the institution was held to be a "purely public charity" because its revenues only made it self-supporting.

In this case the school was founded and endowed by public and private charity, the rates of tuition were adjusted with a view to make the school self-sustaining, a majority of the public paid full rates, a small number half rates, and a still smaller number nothing, and it was held to be a public charity although it was distinctly intimated that if the revenue had gone beyond the line of self-support, it would not have been exempt.

The fact that the Home imposes certain restrictions as to mental and physical soundness, or that preference is given to members of the Evangelical Association, does not deprive it of its charitable character. As in the case of *Burd Orphan Asylum vs. The School District*, 90 Pa. 21, this is a denominational institution, under denominational control, open in the first instance to its own members, and if not enough of such be found, then to others.

In *Philadelphia vs. Masons' Home*, 160 Pa. 572, the Supreme Court lays down the test as follows:

"Is any member of humanity—that greater public of whom the Commonwealth is constructively the parent or trustee—excluded because he had not a particular relation to some society, church or other organization, which relation is dependent on his wholly voluntary act?"

And the Supreme Court expresses the opinion that:

"A charity may restrict its admissions to a class of humanity, and still be public; it may be for the blind, the mute, those suffering under special diseases, for the aged, for infants, for women, for men, for different callings or trades by which humanity earns its bread, and as long as the classification is determined by some distinction which involuntarily affects or may affect any of the whole people, although only a small number may be directly benefited, it is public."

In my opinion, the restrictions imposed by the institution in question do not deprive it of its charitable nature, and the further fact that there is no element of gain or profit in its management, clearly brings it within the class entitled to exemption.

I have returned the papers in the above matter to your Department, under separate cover.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 17, 1913.

*Annulment of Certain Ordinances to Improve the
Financial Condition of the City.*

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

MY DEAR SIR:—I am in receipt of your letter of the 15th inst., inquiring as to whether some definite action can be taken “in regard to the many claims against the City on account of condemnation proceedings,” and inviting me to aid you “to emphasize in a message to Councils what is before us unless immediate action be taken.” You enclose with your letter a copy of a communication, dated the 14th inst., addressed to the Chairman of the Finance Committee of Councils, by the City Treasurer, who writes as follows:

“On February 8th, when a mandamus for \$145,028.75 was presented for payment, less than \$3,000 was in the mandamus fund to meet it. The matter was referred to the City Controller, who stated that there was in the Treasury funds unappropriated by Councils amounting to \$392,817.75, and that we must pay mandamuses as long as there are any unappropriated funds in the Treasury. We paid it, and since then have paid a number of smaller amounts, so that at the present time the unappropriated funds have been reduced from \$392,817.75 to \$230,185.93.”

As I forewarned would occur, the mandamus fund has been exhausted and the unappropriated moneys in the City Treasury, which must now be resorted to for the payment of mandamuses, are rapidly being depleted and within a very short time will likewise be exhausted. The \$900,000 provided for mandamus payments under the new loan authorized at the last election is not yet available, and when it does become available it will scarcely meet the ordinary demands, and in the event of an adverse ruling upon an appeal in the suit of the School District against the City, the entire amount would not be sufficient to meet this single claim. There is thus threatened a situation the seriousness of which will be manifest to any one who gives the subject even the slightest thought.

Under date of September 17th, last, in a written communication to you, I called attention to the fact that there were then pending against the City mandamus claims aggregating about \$7,000,000 with but \$500,000 in the mandamus fund to meet them, and said:

“Many of the ordinances authorizing the taking of land could, in my opinion, be repealed without any reduction of present necessary improvements. Of course, the duty of selecting such ordinances as could most properly be repealed is not mine, but I respectfully urge you to submit to the Councils of Philadelphia not only the propriety, but the absolute necessity of repealing many of these ordinances and deferring of such proposed taking until some more appropriate and feasible time, even though a higher cost would have to be paid at that later day;”

and in a public interview last month, I said:

“Months ago I felt it to be my duty to report to the Mayor the extent of these claims, and urge upon him the duty of having Councils repeal a number of the ordinances ordering land takings. I divided these claims into four groups, and I have corrected the figures submitted to him then as of this date, and I repeat them for the benefit of all Philadelphia. They are:

1. Appealed cases—that is, where road juries or Boards of View have fixed the amount of damages and in which appeals have been taken to the Courts—the aggregate of these is...	\$2,663,954.23
2. Cases in which road juries or Boards of View are now meeting but have not as yet filed their reports, in which the claims are estimated at	2,118,177.00
3. Cases in which petitions have been filed but the road juries or Boards of View are not yet meeting and in which the claims are estimated at...	924,615.00
4. Cases arising under ordinances passed during the year 1911 and the year 1912, in which no petitions have as yet been filed and no action whatsoever taken and in which the claims are estimated at.....	709,291.66
Total.....	\$6,416,037.89

I do not include the amounts to be paid for the abolition of railroad grade crossing damages, which are provided for by loans created for that purpose, nor the amounts necessary for the Parkway, which will run into millions.

Not an ordinance has been repealed. Is it not times for reflection, action and common sense?"

I can now but repeat what I thus said, with the suggestion that you again call this subject to the attention of Councils, requesting immediate action to avoid the threatened situation to which I have referred, and which, if it should come to pass, will involve an embarrassment in the City's affairs that will be deeply regretted and will not readily be forgotten.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 17, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In am in receipt of your letter of recent date, requesting an opinion as to the power of the Bureau of Highways to make repairs to inlets and drains located in private alleys and on undedicated paved streets, at the request of the Department of Health, which have been declared a nuisance by the said Department, charging the cost thereof to maintenance of sewers or repairs to paved streets.

Under the Act of June 1, Art. 7 (P. L. 45), the City Controller "shall not suffer the appropriation for one item of expense to be drawn upon for any other purpose, or by any Department other than that for which the appropriation was specifically made, except on transfers made by ordinances of Councils." The only question therefore is whether repairs to inlets and drains in private alleys and on undedicated paved streets are properly chargeable to the item of maintenance of sewers or repairs to paved streets.

The duty of maintaining sewers and repairing paved streets devolving upon the Bureau of Highways embraces all sewers and paving constructed by public authority upon private as well as public highways. Ordinarily, the contractor for street cleaning is charged with the duty of cleaning inlets to sewers and drains of this character, but he is not obliged to tear up pavements to make necessary repairs to sewers or drains. This duty properly falls upon the Bureau of Highways under its general obligation to maintain and repair sewers and paving constructed by public authority.

Where the inlet or drain is constructed by private authority and constitutes a nuisance, it is the duty of the Department of Health to abate it and charge the cost thereof as a lien against the property affected. This is

done under the general power to abate nuisances on private property, and to file liens for the cost thereof by reason of some act or omission on the part of the owner. But where the public creates the condition causing the nuisance, by the construction of sewers or drains on private alley or undedicated paved streets, it would be unjust to charge the cost of maintenance or repairs to the property owner who is in no way responsible for the defect.

In my opinion, therefore, it is perfectly proper, where the Department of Health has declared certain inlets or drains located in private alley or undedicated paved streets a nuisance, where the inlet or drain was constructed by public authority, to request the Bureau of Highways to repair, charging the cost thereof to the item of maintenance of sewers or repairs to paved streets. This, however, should not be construed to apply to the power and duty of the Department of Health to abate nuisances arising from defective inlets and drains constructed by private authority on private alleys or undedicated streets.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 18, 1913.

Maintenance of Insane Persons Committed to Norristown.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of February 14th, inquiring which Department of the City or County Government will be responsible for the cost of maintenance of indigent insane committed by you to the State Hospital at Norristown.

In Item 36 of the appropriation for the year 1913 to the Department of City Commissioners appears the fol-

lowing appropriation: "State Hospital for the Insane, Southeastern District, Norristown, \$158,000." This is the appropriation for the maintenance of insane persons committed to Norristown at the charge of the City or County of Philadelphia, and I am of the opinion that this item will be chargeable with the payment of one dollar and seventy-five cents each for such patients as you should commit, in accordance with the form of commitment already submitted to you.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 20, 1913.

*Proposed Act Authorizing City to Make Contracts for
Longer than One Year.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I return herewith draft of a proposed Act authorizing cities of the first class to make contracts for lighting, telephone service, removal of garbage, removal of ashes and for street cleaning for a period not exceeding five years, etc.

The Act appears to me to be in excellent form and well calculated to carry out the purpose in view. I have no suggestions to make with regard to it, except that I think Section 6 of the draft might be made somewhat clearer and more concise, as well as more distinctly in accord with the existing law respecting the computation of municipal indebtedness, by substituting for that section as it now stand the following:

Section 6. In computing and stating the indebtedness of any city of the first class which shall have

entered into such contract for more than one year, for the purpose of determining the borrowing capacity of such city, it shall not be necessary to include the liability of such city under said contract for any period subsequent to the then current year.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 20, 1913.

*Authority to Make Purchases up to \$1,000 Without
Advertising or Entering into a Contract.*

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter of the 18th inst., suggesting that legislation be enacted to enable the Director of your Department to purchase supplies, etc., up to \$1,000, at any one time, without the necessity of advertising or entering into a contract, provided three competent bids are received.

You also ask that your Department be authorized to receive bids for periods of three months, six months and a year, and to award contracts therefor to the amount of the appropriation or which may afterwards be appropriated, the Director to be authorized to continue said contracts when further payments become necessary and when further appropriations are made or become available for that purpose. In regard to these suggestions you invite my approval and ask that bills be drafted embodying the same.

With respect to your first suggestion, with some hesitation I may say that I approve thereof, and I forward the draft of an Act for the purpose in view. You will

notice that I have taken the liberty of broadening the scope of the Act so as to apply to all the Departments of the City, and in so far as it authorizes the purchase of goods, etc., without a formal contract, I have thought it best to limit the authority conferred to cases where the head of the Department is of opinion that an emergency exists such as would not admit of the delay which would be caused by preparing and executing a contract in the regular form. I trust that these additions may commend themselves to your approval.

To your second suggestion I regret that I cannot conscientiously extend my approval. This would embody in substance, if not in form, the principle of the "supplemental contract," which has been recently and emphatically condemned by the Supreme Court. There is no doubt that it may be highly convenient in many instances to enter into contracts in excess of the amount appropriated, either directly or by some stipulation providing for further contracts as additional sums may be made available, but such a system is open to flagrant abuses, and it seems to me now as it always has, a system which in principle is altogether vicious. I would therefore greatly prefer that you withdraw your request that I prepare a bill for the purpose of giving validity to that practice.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 21, 1913.

Use of Name "Star Garden."

W. D. CHAMPLIN, Esq.,

Executive Secretary, Board of Recreation.

DEAR SIR:—I am in receipt of your letter of this date, inquiring whether it would be possible to restrain the

use of the name, "Star Garden Pool Parlor," as used in connection with premises No. 627 Lombard street, opposite Starr Garden Park.

I am of opinion that such use of the name cannot lawfully be restrained by injunction.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 21, 1913.

*Purchase of Pier No. 39, South, Delaware River, from
Knickerbocker Ice Company.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

MY DEAR SIR:—In the matter of the ordinance to authorize the proposed agreement for the purchase from the Knickerbocker Ice Company of Pier 39, South, Catharine street, Delaware River, Mr. Savidge, attorney for the ice company, asked to have inserted a paragraph providing that interest should be allowed from July 9, 1909, upon the item of damages caused by the widening of Delaware avenue. We cannot agree upon this. Meanwhile, the Jury of View has made up its report in the matter of the widening of Delaware avenue, and Mr. Gibbons, of this Department, the assistant in charge, has reported to me in connection with this property, as follows:

"Now that the schedule of damages and benefits in the matter of the widening of Delaware avenue has been turned in by the Road Jury, and they have completed their findings as affecting the property of the Knickerbocker Ice Company, \$10.165 damage is awarded on account of the taking of a piece of ground, 70 by 107 feet, for the widening of the

avenue, while \$4,850 benefits were assessed on the Knickerbocker Ice Company's property, being the lot, 99 by 209 feet, with frame building thereon erected, situated on the west side of Delaware avenue 121 feet north of Catharine street.

The Knickerbocker Ice Company claimed as damages to the wharf property \$11,200, and contended that the property on the west side of the street was not beneficially affected by this improvement.

Prior to the widening, the Knickerbocker Ice Company property, on the east side of Delaware avenue (Pier 39, South Wharves), consisted of a pier 61 feet wide by 312 feet in depth, part of which contained a frame superstructure. The dock was 630 feet long, all of that comprised within the claimant's deed lines being south of the pier, the width being $47\frac{1}{2}$ feet. The dock space north of the Knickerbocker Ice Company pier belongs to the City of Philadelphia. By the widening of the avenue from 80 feet to 150 feet 4,261 square feet of land and 3,410 square feet of water space in the dock were taken.

In 1909 assessment of this property on the east side of the street was \$65,000, and on the west side \$36,000."

I send herewith the ordinance providing for the agreement you desire to have made.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 21, 1913.

*Purchase of Pier No. 40 South, Delaware River, from the
Estate of Edward C. Knight, Deceased.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

MY DEAR SIR:—Herewith I sent you, as desired, a form of ordinance in the matter of the contemplated purchase of Pier No. 40 South, Delaware River, from the estate of Edward C. Knight, deceased.

The Jury of View has just made its report in the matter of the widening of Delaware avenue, and Mr. Gibbons, of this Department, the assistant in charge, has reported to me as follows in connection with this property:

“I have the following additional information to report concerning the property belonging to the Estate of Edward C. Knight, now that the schedule of estimated damages and benefits has been turned in by the Road Jury in the matter of the widening of Delaware avenue.

It is proposed to award as damages to the wharf property \$10,165. Prior to the widening the wharf property consisted of a pier (No. 40 South Wharves), 43 feet in width and 319 feet in depth, with a dockage space of 629 feet in length on each side of the pier, the width of the dock on the south side 30 feet, and on the north side 34 feet. By the widening of Delaware avenue in front of this property from 80 to 150 feet there were taken 3,128 square feet of land and 4,603 square feet of water from the dock.

The Road Jury also estimates the benefits to the Knight Estate property, immediately opposite the wharf property at the northwest corner of Queen and Delaware avenue, at \$5,350, making a net damage of \$4,815.

The property on the west side contains 107 feet frontage on Delaware avenue and 217 feet along Queen street, as well as 107 feet on the east side of Swanson street in the rear. This lot is covered with a three-story brick warehouse.

The damages claimed by the Knight Estate, as far as the wharf property is concerned, are \$80,000, in the opinion of Jos. D. Ellis, who thought that the market value of the wharf property was totally destroyed by the widening, while James Lewis thought that it was depreciated 50 per cent., to wit, from \$100,000 to \$50,000. In the opinion of the City the damage was \$10,800. The witnesses did not think that the property on the west side of the avenue was beneficially affected, while the City's witnesses estimated this benefit at \$5,350, which was the amount found by the viewers.

The Knight Estate properties were assessed as a whole, including both sides of the street, at \$135,000.'

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 24, 1913.

DR. MARTIN C. BRUMBAUGH,

President, Board of Recreation,
587 City Hall, Philadelphia.

DEAR SIR:—I acknowledge receipt of your favor of the 21st inst., in which you ask me to advise you when the Board of Recreation may take possession of the property known as Belmont Cricket Grounds, which has come into the possession of the City of Philadelphia by condemnation proceedings under an ordinance approved May 3, 1911. The language of the ordinance is, as you state,

"select and appropriate for park and playground purposes," but it also recites that the action is taken by virtue and in pursuance of the Act of Assembly approved May 13, 1857. This Act authorizes a condemnation of any square or other area of ground to be laid out and maintained forever as an open public place or park for the health and enjoyment of the people. The language used would indicate that it was the intention that the property should be used for playground purposes, but the Act does not authorize a taking for this purpose; and I am of opinion that an ordinance should be passed by Councils to place the care and custody of this property in the Board of Recreation before it could take charge of the same.

A lease has been executed by the City to the Belmont Cricket Club at a rental of one (1) dollar for seventeen days from February 4th, with the proviso that unless either party should give ten days' notice previous to the expiration of the term, the same should be in force for another month.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 24, 1913.

Ordinance Providing for Curbstone Markets.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 21st inst. enclosing draft of an ordinance to provide for the establishment of curbstone markets, etc., concerning which you ask for the opinion of this Department.

The right to regulate markets has been conferred by statute upon Councils, and those bodies have heretofore themselves selected the places which might be utilized as

market stands. I think it doubtful whether they may lawfully delegate that power to an executive department. Aside from this consideration, however, I see no objection to the legality of the ordinance; but I would call your attention to an opinion upon the subject sent you on October 23d last. The concluding paragraph thereof was in the following terms:

“From the resumé of the legislation, it is seen that the right to regulate the use of the City streets for the purpose in question is vested in Councils, which have unrestricted power with respect thereto, except in so far as the Legislature has by statute prohibited the use of particular streets for the sale of produce. Where not so prohibited, Councils could set apart such locations and make such regulations upon the subject as those bodies might deem proper. In the absence of such action by Councils, it would not be within the power of the executive officers of the City to authorize the streets to be so used.”

The legislation referred to prohibits the establishment of stands in the public streets in certain localities, and if it is designed to make the ordinance applicable to every portion of the City, any Acts of Assembly forbidding this to be done at particular places should first be repealed or modified, and while this is being done it might be advisable to include in the repealing Act suitable provisions to enable the authority of Councils in the premises to be delegated in the manner proposed.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 24, 1913.

Authority to Compel an Examination of Prisoners Committed to the House of Correction.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 21st inst., inquiring as to the authority of the physician at the House of Correction to compel an examination of male and female prisoners in that institution for the purpose of ascertaining whether they have any venereal diseases.

The authority to establish the House of Correction was conferred upon the City by Act of April 14, 1868 (P. L. 1092), and by Act of June 2, 1871 (P. L. 305), the power of control to regulate inmates was given. The right to make regulations was also provided for by ordinance of December 29, 1871, Section 5 (page 631). By Section 15 of the Act of 1871 the same power was given with respect to making regulations as exists in the case of the House of Refuge, and the managers of that institution under Act of March 23, 1826 (9 Smith's Laws 84, Section 7), are authorized to make by-laws, ordinances and regulations for the government and control of the inmates.

I think, in view of these legal provisions, the authorities in control of the House of Correction would be justified in having made the examination in question for any legitimate purpose connected with the health of such prisoners themselves or of the other inmates, or for any other proper purpose involving the sanitation and cleanliness of the institution.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 25, 1913.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—Your letter of this date enclosing “a copy of the proposed Act of Assembly relative to motor vehicles,” and in which you say you will be very glad to have me “examine the same and make any alterations, improvements or suggestions” has been received. I notice, however, that this morning Senator Buckman, of Bucks County, introduced this bill in the Senate, and I, therefore, return it to you.

I may say generally, however, that as far as I can perceive, the proposed Act provides for no Municipal control over the speed of automobiles other than that already practically possessed under previous Acts.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 25, 1913.

Authority to Regulate the Size of Cornice on the Manufacturers' Club, Broad and Walnut Streets.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 15th inst., stating that under the advice of the Committee on Comprehensive Plans you inquire whether there is any means to prevent the Manufacturers' Club from placing a cornice on the Walnut street front of its new building at

Broad and Walnut streets, which will extend approximately eight feet over the sidewalk.

The placing of cornices is sanctioned by a universal or almost universal custom in this City, and the existence of such ornamental attachments to buildings is recognized by Act of May 5, 1899, Section 37, which prescribes certain regulations with respect to their construction. The Act of April 16, 1838 (P. L. 626), confers upon the City authority to regulate projections of all kinds upon or over the highways, but no ordinance has provided any limitation with regard to cornices or how far they may be permitted to extend, and their size has generally varied with the style, and especially with the height, of the buildings on which they are placed.

In the recent case of *Mint Realty Co. vs. Wanamaker*, 231 Pa. 277, in which a bill in equity was filed by the owner of property on the west side of Juniper street, twenty-eight feet wide, to restrain the construction of a cornice projecting seven feet ten inches over the east sidewalk and cartway, and which was proposed to be affixed at the top of a building two hundred and forty-seven feet in height, it was held that this did not infringe the rights of the complainant. In that case the building was of the classical type, and one on which a cornice of the size in question was deemed necessary to produce the proper artistic effect. The cornice was placed upon all of the four sides of the building, among others upon the one abutting upon Thirteenth street, which is fifty feet wide, being of the same width as Walnut street. It is true that the litigation was at the suit of a private owner and not at that of the public authorities, and this fact contributed its influence upon the decision. Nevertheless the case has its importance as illustrating the extent to which the height and other characteristics of a building will be considered in the determination of the question.

I do not know to what height it is intended to carry the building of the Manufacturers' Club, but it must be manifest that this would be an important factor in forecasting the effect which a cornice of the size proposed would have in cutting off air or light from the highway below, and as

to the prospect of success in litigation to enjoin its construction. The size of the cornice upon the newly erected building of the Stock Exchange immediately to the west of the Manufacturers' Club may afford a basis of comparison.

If, after full consideration, you reach the conclusion that a cornice of this size at the top of the building would be in any sense a real interference with the proper use or enjoyment of the street, I think it would be well to take the matter up with those in control of the Manufacturers' Club in the endeavor to reach a mutually satisfactory adjustment. As the cornice has not yet been put in place this would perhaps be feasible, and, at least until the effort in that direction proves futile, I would not advise a resort to litigation or threat thereof.

In the meantime I would suggest that the subject be brought to the attention of Councils with the view of having a general ordinance passed, under authority of the Act of 1838, to regulate the size of cornices in streets of various widths, and in accordance with the height of the buildings on which they may be erected.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 25, 1913.

Acceptance of Bonds at Par as Security on Contracts.

MURRELL DOBBINS, Esq.,
City Treasurer.

DEAR SIR:—I am in receipt of your inquiry of this date whether bonds of the City selling in the market at less than par (in the present instance, at $92\frac{1}{2}$) may be accepted at par in substitution for other security of an amount equal to their face value, or whether bonds of the

market value of the security whose place they are to take should be required.

The ordinance of April 12, 1909 (page 87), provides that in certain cases the Departments of the City are required "at the request of the contractor or contractors for such work, to accept City, State or United States interest bearing bonds of a like amount in place and stead of the security or cash deposit now required or heretofore furnished or retained," and in the second section of the ordinance the expression "interest bearing bonds in like amount" is repeated.

I am clearly of opinion that this refers to the face value of the bonds and that the fluctuations in the prices thereof upon the market are not to be regarded. It is to be presumed, especially with reference to the bonds of the City itself, that its obligations have a value equal to the amount which it is bound by such bonds to pay, and therefore that under the language of the ordinance of 1909, it is incumbent upon the executive officials of the City to receive such bonds at their face value for the purposes intended, even though they may be selling at a lower market price, just as it would be their duty to require bonds of the full amount at par in substitution for other security, though they might at the time be commanding a substantial premium in the open market.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 27, 1913.

Issuance of Car Trust Certificates—P. R. T. Co.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—In accordance with your request I have examined the ordinance now before you for approval and

which provides for the issuance of Car Trust Certificates in connection with the equipment of the Philadelphia Rapid Transit Company. In my opinion, the ordinance in its present form should not be approved.

The contract of July 1, 1907, between the City and the Philadelphia Rapid Transit Company (ordinances of 1907, pages 153-164) deals with the street transportation facilities of the City, the greater part of which the Philadelphia Rapid Transit Company held by lease from the Union Traction Company, dated July 1, 1902, and certain other portions of which the Philadelphia Rapid Transit Company held through direct ownership of the entire capital stock of certain railway companies.

In paragraph 11 of the contract of 1907 it is stipulated that "the City reserves the right to purchase all the property, leaseholds and franchises of the Company, subject to all indebtedness now existing or hereafter lawfully created hereunder, upon July 1, 1957, or upon the first day of any July thereafter;" and in paragraph 2 of said contract it is provided as follows:

"In case at any time hereafter the company shall be desirous of making any additions to its existing system by the extension of old lines, or the incorporation of new companies, or any additions to its power or equipment, or any betterments to its lines, power or equipment, the expenditures for which require additional capital and are properly chargeable to capital account, it shall present a communication to Councils setting forth the necessity for such extensions, additions, or betterments, together with the estimated and probable cost of the same, and a plan for raising the capital necessary to cover the expenditures required for the purpose; but no such plan shall be effected, nor shall the company make any issues of stock or bonds or incur any guarantees of liability for the purpose of carrying out said plan until the same shall receive the approval of the City."

I find nothing whatever in the contract of 1907 indicating that it was contemplated that the Philadelphia

Rapid Transit Company should be permitted to sell or dispose of any of its property, the right to purchase which the City reserved in and by the 11th paragraph thereof.

The ordinance now before you not only provides for leases, agreements, car trust certificates and guarantees in connection with the equipment yet to be acquired by the Company, but it grants authority to the Rapid Transit Company "to sell and deliver" and to part with equipment which it has already bought and paid for and now owns, and the right to acquire which the City reserved under the contract of 1907—the language of Section 1 of the present ordinance being:

"That the consent of the City of Philadelphia is hereby given to the Philadelphia Rapid Transit Company pursuant to the contract of July 1, 1907, to *sell and deliver any or all of its equipment for surface and elevated lines, on such terms as may be agreed upon with the purchaser*, and to take a lease of the same and of other equipment," etc.

Respecting this matter, I call your attention to the fact that in April, 1911, less than two years ago, the Philadelphia Rapid Transit Company applied to City Councils for permission to issue and negotiate \$10,000,000 of five per cent. (5%) gold bonds, the announced purpose thereof being, among other things, to procure new equipment described as "1,300 cars of the most modern type, with cross seats and center aisles, having nearly double the seating capacity" (of the present equipment) and "estimated to cost \$6,500,000"—the payment of said bonds to be guaranteed by the Union Traction Company. In consideration of such guarantee, the Union Traction Company was to have transferred to it by the Philadelphia Rapid Transit Company the interest of the last named Company in the Market Street Elevated Passenger Railway Company and in other properties which the Transit Company had acquired since its lease of the Union Traction Company in 1902, all of said property so to be transferred to become part of the system of the Union Traction Company and become subject to the terms of the lease between

the companies, dated July 1, 1902. This transformed the Philadelphia Rapid Transit Company from an owner to a mere lessee. The lease between these companies provides that in the event of any default upon the part of the lessee, the Union Traction Company shall have the right to re-enter and become possessed of all property covered by the lease. The correspondence bearing upon this application for permission to negotiate said ten million dollar loan will be found printed in the Journal of Common Council for 1911, Volume 2, Appendix 230.

The application was acted upon favorably by Councils, and the desired ordinance was passed and approved May 13, 1911 (ordinances of 1911, page 178). Under the provisions of this ordinance of 1911, whilst the Philadelphia Rapid Transit Company was permitted to transfer to the Union Traction Company all interest and ownership in the Market Street Elevated Passenger Railway Company, and all other property which it had acquired between the date of the lease of 1902 and the passage of said ordinance of May 13, 1911, as well as all new property acquired subsequent to the ordinance of 1911 by means of the proceeds of the bonds so to be issued, that ordinance makes no provision for any return to the Philadelphia Rapid Transit Company of any of the property so transferred, excepting such as may be acquired subsequent to the ordinance of May 13, 1911, with the proceeds of the bonds to be issued thereunder. Such property is to be returned to the Philadelphia Rapid Transit Company upon payment of all of such bonds issued, with guaranty by the Union Traction Company, but the ordinance makes no provision for return to the Philadelphia Rapid Transit Company of its interest in the Market Street Elevated Passenger Railway Company, or of any other property which it acquired between the date of the lease of the Union Traction Company in 1902 and the passage of the ordinance of May 13, 1911.

From the statements of the officials of the Rapid Transit Company in connection with the present ordinance (printed as Appendix 27 to the Journal of Common Council for 1913), it appears that of the total authorized issue

of ten million dollars of bonds under the ordinance of 1911, but two million dollars have been issued, and that none of the same have been issued for the purchase of cars or equipment. It is said:

“the purchase of 1,000 new nearside cars and 80 elevated cars at a cost approximating \$5,800,000 has already been undertaken, this number being greatly in excess of the estimated requirements for the first two years, as set forth in your promise to Councils. Capital payments on account of these cars have been made in drafts against Messrs. Drexel & Company, which have been charged to our current account, and have resulted in an overdraft at the present time of \$2,100,000.” (Letter T. E. Mitten to E. T. Stotesbury, January 29, 1913.)

The present ordinance is not only a departure from the plan submitted to Councils when the ordinance of 1911 was secured and in connection with which the Union Traction Company acquired from the Philadelphia Rapid Transit Company properties not theretofore covered by its lease of 1902, and undertook to become guarantor, but as I have already said, there is nothing in the City's contract of 1907 with the Philadelphia Rapid Transit Company contemplating any authority being given to the Rapid Transit Company to sell or dispose of any of its property, the right to purchase which the City has reserved in the 11th paragraph thereof.

For these reasons I advise executive disapproval of the present ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 27, 1913.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of the 20th inst., requesting my opinion upon whether certain institutions described therein are entitled to receive the benefit of the ordinance of June 21, 1878. That ordinance is as follows:

“SECTION 1. *The Select and Common Councils of the City of Philadelphia do ordain*, That the Chief Engineer of the Department for Supplying the City with Water be, and he is hereby authorized to fix the water rents for all charitable institutions and the Academy of Natural Sciences, at fifteen per cent. of the regular rates charged for the use of water.”

In your letter you describe certain institutions which are claiming benefits of this ordinance, and ask whether they come within the terms thereof. Before answering the nine questions contained in your communication, a few observations upon the ordinance as a whole may be advantageous. It refers to “charitable institutions.” I am of the opinion that a proper interpretation of this phrase would confine it to institutions of purely public charity, in other words, such institutions as are exempt by the Constitution and laws of the Commonwealth from the obligation to pay taxes. In order to carry out the intention of the ordinance it would seem reasonable and proper to inquire, before conferring its benefits upon a particular institution, not only whether the institution is a public charity, but also whether the rents which it is seeking to have reduced are for water in buildings used for the furtherance of the purposes and objects of the charity.

Keeping in mind this general observation, let us consider the specific questions asked in your letter. In the first eight questions you assume that the applicant is a

purely public charity, and inquire whether certain rents charged to it are entitled to the rating.

1. In order that a property may be placed on a charitable rating, must that property be owned and used by the society conducting the charity for the said charitable purpose, and not merely occupied and used?

In this case you draw a distinction between the ownership of the property and a lease therein. Water rents are charged against the registered owner of the property, and if a charitable institution is the lessee thereof and the registered owner is liable for the rents, he is not entitled to the benefit of the ordinance merely because the property is occupied by a charity. If, however, the facts disclose that under the terms of the lease the charity must pay the water rent and the premises so occupied are used in the furtherance of the purposes and objects of the charity, I am of the opinion that the provisions of the ordinance should be occupied.

2. Must it be actually used for the said charitable purpose and not merely held with the intention, however definite, of devoting it to such charitable use in the immediate future?

In answer to this question I am of the opinion that the property must be actually used for the furtherance of the purposes and objects of the charity at the time the rating is allowed. This is consonant with the law respecting taxation of properties owned by charitable institutions but not used in the business of the charity.

3. Is property belonging to a charitable institution but rented to other persons, or otherwise employed as a source of profit, which rents or profits are applied to the charity, subject to the charitable rating?

If the property sought to be brought within the terms of the ordinance is used by the charity for the purpose of profit and not for charitable purposes, I am of the opinion that the ordinance would not apply. The object of such exemption is to relieve institutions which are dependent for their maintenance and support upon charity from the

burdens of taxation. If, however, the property against which the rent is charged is conducted for profit, the institution is not, so far as that property is concerned, charitable, but one of profit.

4. Is a property used directly for the purpose and operation of a charity, but in such manner as to yield some return, thereby reducing expenses, subject to the charitable rating?

It does not change the essential nature of a charity that a part of its revenue is derived from other sources than gifts or free donations. If the property is used in furtherance of the purposes and objects of the charity and the institution is in all other respects a purely public charity, the fact that part of its property is to a certain extent self-supporting would not take it without the provisions of the ordinance. I am, therefore, of the opinion that in such a case as that described in the fourth question the provisions of the ordinance of 1878 would apply.

5. Is a charitable institution which receives some financial return from any portion of the work done by it, which return is applied to the operation of the institution, subject to the charitable rating?

My answer to this question is the same as to that above. It is clear that in such a case the charitable rating would apply.

6. Are fraternal and beneficial associations included in the charitable rating?

These associations are not public in their character, and I am of the opinion that they are not entitled to the charitable rating.

7. Are voluntary military organizations included in the charitable rating?

Military organizations are not charities to which the exemption of this ordinance is strictly limited.

8. Is a property used indirectly for charitable purposes, but at which no charitable work is actually done, subject to charitable rating?

This question is so general and the circumstances implied are so varied that it is impossible to give a categorical answer.

9. Is an educational institution a charitable institution?

This question is difficult to answer. An educational institution which subsists in whole or in part upon endowment or voluntary contribution and which is open to the public upon equal terms is within the provisions of the ordinance. The mere fact that the institution charges a tuition fee would not necessarily deprive it of the benefit of the charitable rating, unless the fees charged were sufficient to support or render a profit to the institution. It must not be conducted for profit and it must be open to the public upon equal terms. In such a case the institution would be entitled to the benefits of the ordinance of June 21, 1878.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 27, 1913.

In Re Pawnbrokers' Licenses.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of February 27th, inquiring whether you have authority to issue pawnbrokers' licenses for the Twenty-third Ward.

The ordinance under which licenses are issued to pawnbrokers from your office is the ordinance of January 19, 1856, page 5. I can find nothing in that ordinance which in any way prevents your issuing such licenses for persons doing business in the Twenty-third Ward. It is general in

its application to the City and I am of the opinion that you have the same power to issue licenses in that Ward that you have in any other Ward.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 28, 1913.

*Ordinance to Strike from City Plan Rhawn Street, from
State Road to Delaware River.*

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—In reply to your letter of the 26th inst., asking me to examine and advise you as to "An Ordinance to strike from the City plan Rhawn street, from State road to Delaware River" (Common Council Appendix No. 47, introduced December 21, 1911), permit me to say that this ordinance was introduced at the request of Dr. Neff, Director of the Department of Health and Charities.

This street has never been opened and runs entirely through property of the City of Philadelphia, which is now being used by the Department of Public Health and Charities, and I know of no reason why the ordinance should not be approved.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, February 28, 1913.

Ordinance to Strike from City Plan and Vacate Laurel Street, from Bodine to Third Street.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—In reply to your letter of the 26th inst., asking me to examine and advise you as to “An Ordinance to strike from the City plan and vacate Laurel street, from Bodine to Third street” (Common Council Appendix No. 36, introduced January 16, 1913), permit me to say that I referred this subject to the Road Bureau and have received from Mr. Faries the following report:

“Laurel street is a public street, the ground on each side of which is owned by Burk Bros., leather manufacturers. The City has been put to considerable expense in placing a sewer upon the street and other improvements. The vacation of the street will be a valuable addition to the property of Burk Bros., and if the street is to be vacated, the ordinance should contain a proviso similar to that contained in the ordinance to strike from the City plan and vacate Marvine street, from Pearl to Wood, approved July 16, 1910. This proviso was that a bond satisfactory to the City Solicitor should be filed, indemnifying the City against all damages by reason of the striking from the City plan and vacating the said Marvine street, and that a money consideration of not less than \$3,200 cash shall be first paid to the Treasurer of the City of Philadelphia. I would suggest that the value of the land lying in the bed of Laurel street be ascertained, and that the amount of that value be inserted in the ordinance as a consideration to be paid before vacation.”

I submit Mr. Faries' recommendation to you, and un-

less payment is made for that which the City gives up. I respectfully suggest that the ordinance should not be approved.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 1, 1913.

Water Supply, Frankford Arsenal.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 24th ult., enclosing copies of letters to yourself and to the Commanding Officer of the Frankford Arsenal, from the Chief of the Bureau of Water, in reference to the water supply at the arsenal. I gather therefrom that, while the Chief of the Bureau feels that he has done all that he properly can to enlarge the supply of water to that building, the Commanding Officer insists upon a greater supply, and expresses the apprehension that in the event of fire the explosion which would probably result would be of such serious consequences as to “wipe out the greater part of Bridgesburg and a limited part of Frankford.” It is therefore suggested by him that the responsibility for such a catastrophe would rest upon the City, and you inquire as to the legal aspects of the matter.

I do not think that the City could be held legally responsible in the event of an explosion produced by a fire at the arsenal. The situation, according to the apprehension of the Commanding Officer, however, is so serious that the question of legal responsibility is comparatively unimportant. It goes without saying that every possible effort should be made not only to avoid such a terrible occurrence, but to minimize, or, if possible, remove even the risk thereof.

I note that the Chief of the Water Bureau makes several suggestions for procuring additional facilities to quench any fire which might break out and with an especial view to duplicating or triplicating the water supply to the arsenal, so that it may not fail in an emergency. I, of course, am not familiar with the practical aspects of the matter, but I would say that every endeavor should be made to provide all possible safeguards, and to that end co-operation with the United States authorities should be sought. A resort to litigation to compel the Government to abandon the storage or manufacture of explosives, or to diminish the quantity of powder, etc., which is kept in the arsenal would be a most uncertain and unsatisfactory procedure, and, in view of the great peril involved in the situation, I cannot too strongly emphasize the advice that every facility ought to be provided to prevent the spread of fire to the magazines, and no pains should be spared to bring about harmonious action between the City authorities and those in charge of the arsenal, in order not only that a supply of water may be furnished in the greatest practicable abundance, but also that every device may be employed to diminish the risk of explosion and to make the neighborhood as safe therefrom as it can be made.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 1, 1913.

*Right to Pay Certain Employees out of Appropriation to
New Municipal Hospital.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your inquiry of the 26th ult., whether you may lawfully pay for salaries and

wages for carpenters, painters, nurses and miscellaneous help, as provided for in Item 15 (b), Bureau of Health, which specifically enumerates "nurses, farmers, gardeners, drivers, firemen, painters, carpenters, * * * miscellaneous helpers and laborers" out of Item 70 (1), which makes an appropriation, among other things, "for labor, materials, furniture, fixtures, supplies, automobile ambulance, * * * for the construction of roads and walks, for the laying out and maintenance of grounds." * * *

The salaries of nurses may not be paid out of the latter appropriation, for it does not come within any of the provisions thereof. Carpenters and painters being specifically enumerated in the first mentioned ordinance, and, moreover, not being laborers within the general meaning of that term, do not appear to be provided for in the second appropriation—that is, Item 70 (1). If the miscellaneous help is engaged in any work which may fairly be denominated labor, or, if it be employed in the construction of roads and walks, or the laying out and maintenance of the grounds, it would come within the terms of the appropriation concerning which you inquire; otherwise the wages and salaries for such help cannot legally be paid therefrom unless the appropriation be transferred by Councils to the item in question.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 1, 1913.

*Agreement Newtown Connecting Railroad Indemnifying
City Against Damages—Change of Grade, Tabor,
Clinton Streets, etc.*

GEORGE S. WEBSTER, ESQ.,

Chief Engineer and Surveyor, Bureau of Surveys.

DEAR SIR:—In reply to your letter of the 21st inst., in relation to an agreement which you think had been

filed by the Newtown Connecting Railroad in pursuance of the ordinance of April 9, 1892, indemnifying the City against any damages which might be caused by the change of grade of Tabor street, Clinton street and other streets, permit me to say that diligent search has been made in all the Departments of this office and we can find no such agreement of record.

The ordinance does not call for the execution of any agreement by the railroad company. Proceedings were begun for change of grade of Clinton and Tabor streets, and damages awarded to two claimants—one, Matthew K. Gale, and the other, Martha S. Parry. To the Gale claimant the jury awarded \$1,600 and an appeal was taken to the Court of Common Pleas. Witnesses for the City, suggested by the railroad company, in a letter of John G. Lamb, its attorney, under date of April 26, 1895, were used as experts, and a verdict for the plaintiff was rendered on October 23, 1895, in the sum of seven hundred (700) dollars. On January 9, 1896, the sum of eight hundred and five (805) dollars and seventy-two (72) cents was paid the plaintiff, which included debt, interest and costs; and under date of January 22, 1896, the then City Solicitor wrote to James Boyd, President of the Philadelphia, Newtown and New York Railroad Company, and to Thomas Hart, Jr., and John G. Lamb, its attorneys, reciting the facts and the ordinances, and stating that under the agreements as set forth in said ordinance the company was indebted to the City in the sum of eight hundred and five (805) dollars and seventy-two (72) cents, with interest, from October 23, 1895, and the sum of two hundred and sixteen (216) dollars for fees paid the Jury of View, and requesting a check for these amounts. On February 11, 1896, a check for ten hundred and forty (1,040) dollars and eleven (11) cents was received from the receivers of the Philadelphia and Reading Railroad Company, being the aggregate of these sums—verdict, costs and interest from October 23, 1895.

The Parry case was settled by John G. Lamb, attorney for the railroad company, under date of April 27, 1901, he at that time writing to Francis L. Wayland, Assistant

City Solicitor, stating that this settlement had been made and enclosing papers signed by the plaintiff withdrawing the appeal and authorizing the Prothonotary to mark the award of the viewers satisfied of record.

From this history, I do not believe that any written agreement between the company and the City exists, but that the payments have been made under the terms of the ordinance, the railroad acquiescing therein.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 3, 1913.

*Keystone Telephone Company—Pay Stations in
Police Stations.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Electrical Bureau, inquiring whether, under the ordinance of December 26, 1902, page 323, permitting the Keystone Telephone Company to construct and maintain its lines through the streets of the City, that company is justified in claiming the right to place pay-stations or telephones with coin boxes in the police station houses connecting them to their nearest exchanges.

It is provided in Section 1 of that ordinance that:

“The said company shall place its telephones in all police station houses without cost, when ordered by the Department of Public Safety, and shall thereby furnish to its subscribers and patrons free communication with the police system.”

I do not think that the intent of this provision would be carried out if the communication to be thereby provided were not free in both directions. That is to say, if a communication originating at the police station, or an answer sent from one of those stations to a communication, were not free; and I am therefore of opinion that the placing of pay stations in the police station houses would not be a compliance with the requirements of the ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 4, 1913.

Legality of Changes in Steel Work, Fire House, Cheltenham Avenue.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 28th ult., enclosing a letter to yourself from the architect in charge of the construction of the fire house on Cheltenham avenue, Germantown, from which it appears that it is difficult or impossible at this time to obtain certain steel beams of the American Bridge Company which were specified in the contract for that building; that instead of 20-inch 65-lb. beams it is proposed to use 20-inch 64-lb. beams, which are equivalent to 20-inch 70-lb. standard section, and instead of 20-inch 100-lb. beams specified it is proposed to use 24-inch 84-lb. beams of Bethlehem section for the purpose of avoiding delay. The Bethlehem Company have guaranteed that their sections are equivalent to the standard sections specified. Also, it is proposed to use Conshohocken stone instead of brick in the rear of the building to height of first floor joists, which change

will be of advantage to the building and is worth and costs as much, if not more, than brick. You inquire "how this transaction can be accomplished legally."

The specifications (page 2) provide that:

"No changes or variations from the specifications or from the drawings shall be made unless with the written sanction of the Director of the Department of Public Safety. Any changes made in violation of this stipulation shall cause a rejection of the work or material so changed or substituted and no allowance be made for loss of time."

While it would be better in contracts involving considerable detail to provide positively for the making of changes the necessity for which in such cases is almost certain to arise, yet the negative language of the specifications above quoted implies that changes may be made with the written sanction of the Director of the Department of Public Safety, and if the suggestion of the architect in charge appeals favorably to your discretion, I think the proposed changes may be made in the manner thus provided—that is, by your written sanction, which should clearly state what allowance, if any, is to be made, either in favor of the City or of the contractor; or, if no allowance is to be made either way, that fact should be made to appear.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 5, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I beg to acknowledge receipt of your favor of the 4th inst., transmitting draft of an ordinance entitled "An Ordinance to amend an ordinance entitled 'An

ordinance selecting and appropriating two certain tracts of ground, in the Twenty-second and Forty-second Wards, as a park and open public place for the health and enjoyment of the people, authorizing the placing of the same upon the City plan, and directing the Commissioners of Fairmount Park to assume the custody and maintenance of the same, approved the first day of December, 1911;” also letter of G. S. Webster, Chief Engineer and Surveyor, to Hon. Rudolph Blankenburg, dated February 25, 1913; also letter of Thomas S. Martin, Secretary of the Commissioners of Fairmount Park, to Messrs. Morgan, Lewis & Bockius, dated March 4, 1913, all of which I beg to return herewith.

You state, “It would seem that the action of the Park Commission, as noted in Mr. Martin’s letter, in detailing two rangers to take charge of the park designated as ‘Wister’s Woods Park,’ in the Twenty-second and Forty-second Wards, constituted an entry on the part of the City, and if such is the case, will you kindly advise me whether this ordinance is necessary or should His Honor, the Mayor, veto same?”

In reply I beg to advise you as follows: The ordinance referred to recites that it was passed by virtue and in pursuance of the authority vested by the fourth section of the Act of Assembly, approved May 13, 1857. This section reads as follows:

“That the Councils of said City, whenever they shall select any square or other area of ground to be laid out and maintained forever as an open public place or park for the health and enjoyment of the people, shall have the power if they cannot agree with the owner or owners thereof as to price, to cause a petition to be filed in the Court of Quarter Sessions of the City and County of Philadelphia, on behalf of said City, setting forth by proper metes and bounds the ground so selected, and that by ordinance the said Councils have appropriated the same for said purpose; whereupon the said Court shall appoint a jury to assess the damages in the manner now provided by

law, and the proceedings thereupon shall be the same and with the like effect as upon the assessment of damages for the opening of streets in said City."

Section 1 of the ordinance approved December 1, 1911, states that the Select and Common Councils of the City of Philadelphia "do select and appropriate, for park purposes and for the health and enjoyment of the people forever, all those two certain tracts of ground lying in the Twenty-second and Forty-second Wards, and bounded and described as follows:" (Here follows description of property).

"SECTION 3. As soon as the City shall become legally possessed of the tracts of ground herein described, the said tracts shall be named Wister's Woods Park, and shall be placed under the control of the Commissioners of Fairmount Park. * * *"

I am of the opinion that the City has not yet become legally possessed of the tracts of ground mentioned in the ordinance. While certain rights accrue both to the property owner and to the City immediately upon the passage of the ordinance, there is no absolute taking by the City as of that date, but should proceedings be conducted to a definitive judgment, then I am of the opinion that there would be a taking by the City which would refer back to the date of the ordinance. Upon the passage of the ordinance the right to compensation accrues to the property owners, and the City had the right at any time to take possession of the property, but until it legally performed some act indicating that it has taken possession, it could at any time before a definitive judgment, by a repealing ordinance, abandon the proceedings, in which event it would be liable for all expenses and costs incurred by the owner of the property in the event of proceedings having been begun. The legal title, subject to the above qualification, remains in the property owner, and the City does not become legally possessed of the tract until the title passes by a deed from the owner to the City or by the payment of an award of damages as compensation for the taking of his land.

As Section 3 of the ordinance quoted above provides that the Commissioners of Fairmount Park shall not be placed in control of the property until the City has become legally possessed of the tracts of ground, I am of the opinion that any action taken by the Commissioners of Fairmount Park, or their representatives, was unwarranted, and that therefore there has been no act of possession by the City of Philadelphia.

The authorities which have led me to the above conclusion are:

Myers vs. South Bethlehem, 149 Pa. 85, where the proceedings were conducted to final judgment.

Funk's Admrs. vs. Waynesboro School Dist., 18 W. N. C. 447.

Wood vs. Hospital, 164 Pa. 159, where there had been an actual entry upon the land.

Franklin St., 14 Pa. Sup. Ct. 403.

Huckstein vs. Allegheny City, 165 Pa. 367.

Uhler vs. Cowen, 199 Pa. 316.

I have examined the cases of *Shields vs. Pittsburg*, 201 Pa. 328, and *Whitman vs. Reading*, 191 Pa. 134, referred to in the letter of G. S. Webster, Chief Engineer and Surveyor. The former simply decides that where a City has by ordinance appropriated land for park purposes and the proceedings are conducted to a definitive judgment, the taking then refers back to the date of the ordinance authorizing the taking, and the gist of the decision in *Whitman vs. Reading* is contained in that portion of the opinion of Justice Dean on page 143, in which he uses the following language:

"By actual opening of and construction of a street, the date of taking relates back to the date of the ordinance adopting the route; this ordinance warned plaintiffs to stop their improvement; the construction of the street was the consummation of the purpose manifested by the constructive appropriation."

Sometime ago the repeal of the entire ordinance approved December 1, 1911, was recommended by this De-

partment on account of the financial condition of the City. Councils, in its wisdom, has seen fit to pass the amending ordinance which provides for the taking of only the part of the tract west of the railroad and which eliminates the tract lying east of the railroad, the owners of the latter tract being in favor of the repeal as they do not desire at the present time to embarrass the City financially.

In view of the frequently expressed desire of the Mayor to, as far as possible, save the City from the expenditure of money for the taking of land, and recently expressed in his request that all ordinances for such purposes should be repealed, it would seem that the proper course for him to adopt in this matter would be to approve the repealing ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

P. S.—I return you herewith:

1. The ordinance.
2. The letter addressed by Chief Webster, of the Bureau of Surveys, to Mayor Blankenburg.
3. The letter addressed by the Secretary of the Commissioners of Fairmount Park to Messrs. Morgan, Lewis & Boekius.
4. The plan.

LAW DEPARTMENT.

Philadelphia, March 6, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I beg to acknowledge receipt of your favor of the 4th inst., inquiring whether I would agree to pay the expense (not to exceed \$1,500) of moving two houses

owned by Mr. Conklin on the southeast side of Charles street at the southwest corner of Bridge street, provided Mr. Conklin would agree to dedicate all of the ground owned by him in the bed of said street, consisting of a strip ten feet in width, and running from Bridge street southwestwardly along the southeasterly side of the said street to the end of the brick houses owned by Mr. Conklin.

Inquiry from the District Surveyor elicits the following facts: Charles street is legally open of the width of 40 feet, and the cartway is now of the same width as it would be if the street were opened to 50 feet in width. The sidewalk is laid on the northwest side of the street, from Pratt to Bridge street, and is sufficient to accommodate the traffic.

Mr. Conklin has stated that if we pay him an amount to be agreed upon, which is nominally for the moving back of the buildings, that it will not be used for that purpose, but for the purpose of tearing down the same.

From the standpoint of the City's interests, it seems to me that if we do not open this street, that the buildings in question, which are old frame buildings, will be torn down voluntarily by Mr. Conklin in order to accomodate his tenants of the 17 brick houses on the southeasterly side of the street and which are built to the 50 foot line. I understand that he endeavored to have an ordinance passed by Councils to open this street to the width of 50 feet, but was unsuccessful.

I would advise, therefore, that no action be taken in the matter looking to the payment of any sum of money to Mr. Conklin.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, March 7, 1913.**Right to Accept Compensation for Vacation of Bed of
Laurel Street.*

MURRELL DOBBINS, ESQ.,

City Treasurer.

DEAR SIR:—I am in receipt of your letter of this date, with copy of letter to yourself from the Mayor, transmitting to you a check for \$3,200 endorsed: "In compensation to City for bed of Laurel street (as agreed between Burk Bros. and the Mayor) vacated by ordinance approved March 6, 1913." Since the ordinance for the vacation of Laurel street does not contain a provision requiring compensation to be paid to the City for the value of the bed of the street, you are in doubt as to your right to accept the money, and ask what course you should pursue in the matter.

I think you should accept the check and place the proceeds thereof in the general funds of the City. The mere fact that the ordinance does not stipulate that such a payment should be made is no reason to decline it after it has been secured as the fruit of the agreement made by the Mayor with the owners of the property abutting upon the street.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, March 7, 1913.**Making Contracts Before Borrowing the Money to Pay
for the Work Contracted for, etc.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 4th inst., inquiring, among other things, whether a public im-

provement covered by a loan voted by the people may be contracted for, or the work begun, until the bonds have been actually sold and the money in the hands of the Treasurer, and as to the character of the legislation required to change the law in this respect.

I am of opinion that neither the contract can be made nor the work done until the money has been received and appropriated for the purpose in view. By Act of April 21, 1858 (P. L. 386), the incurring of a debt or making of a contract to be binding upon the City was required to be first authorized by law or ordinance and an appropriation sufficient to pay for the work to be previously made. This Act was binding upon the executive departments of the City, but not upon Councils, nor did it require that the appropriation which it made necessary should be against actual funds in the Treasury. As a result of this condition of the law, appropriations were freely made by Councils and warrants issued without money being available for their payment, and the warrants were consequently dishonored when presented to the City Treasurer. The unpaid warrants thus outstanding accumulated until an Act was passed on June 11, 1879, authorizing the funding of ten million dollars of such obligations by the issuing of bonds in that amount; and on the same date, in order to prevent a repetition of this condition, it was made unlawful not only for the Departments of the City, but for the City itself or any officer having powers of government therein, to make contracts, approve thereof, or authorize the expenditure of the City's money in any manner without a previous appropriation, or to draw, issue or approve any warrant except in accordance with the provisions of the Act or against any item in the appropriation in excess of such item, such contract or warrant to be void, and the person authorizing, making or drawing the same to be guilty of a misdemeanor, punishable by fine and imprisonment.

Provisions to insure that no obligation of the City shall be in excess of the amount appropriated and available for its discharge were repeated in the Act of June 1, 1885 (Bullitt Bill) Article 7; and Section 6 of the Act of May

23, 1874 (P. L. 233), requires that all work to be done for the City or material furnished it shall be under contract. It is clear from these provisions of the law that a contract may not be made or the work begun when provided for by a loan until the money is actually appropriated and while the appropriation may be made in anticipation of the borrowing of such money, it is equally clear that such appropriation will not take effect until the money is received in the Treasury.

As to the kind of statute required to change the law in this respect, if it be thought wise by the Legislature to revert to conditions which prevailed in the past, a simple repeal of these requirements or an affirmative Act authorizing the making of such contracts or the beginning of the work, or both, before the borrowing of the money would suffice for the purpose.

In the course of your full and elaborate discussion of these and allied subjects, you ask:

“Why is it necessary to allocate cash credits in the City Treasury to the original loan fund bonds through the sale of which such cash was obtained?”

The loans are made for specified purposes and especially where the consent of the electors is necessary to the validity of the issue, the law requires that the purpose or purposes of the loan shall be stated in the public notices prescribed. This necessarily earmarks the money when borrowed as dedicated to the purposes thus named, for to gain the consent of the people upon the representation that the money borrowed is to be used for one purpose and then to divert it to some other purpose would be a manifest fraud and deceit which the courts would not permit to be carried into effect, as has been several times decided by them.

You further say that there is much cumbersome procedure connected with the letting of contracts which entails considerable delay. I do not think there would be a legal objection to the advertising for bids or even to the awarding of the contract before the money is in the Treasury, provided that there be no actual execution of the contract

until the funds are in hand and have been duly appropriated. Particularly is this so with respect to those requirements of the City which are recurrent and necessary in the routine of government.

Relative to the postponement of the borrowing of the money until it is actually needed, for the purpose of saving interest thereon, as was done in the case of the abolition of grade crossings to which you refer, I agree with you that wherever it is possible to delay the negotiation of the bonds until their proceeds are required in the prosecution of the work, this should be done, and full power in this respect is given to the Mayor in the ordinances authorizing the loans.

Where the money is borrowed for a specific improvement, however, we are met with the difficulty that by Article 14 of the Bullitt Bill it is provided that every contract for a public improvement shall be based upon an estimate of the whole cost, and no bid in excess of such estimate shall be accepted. I think there is no escape from the conclusion that this requires an estimate of the cost of the improvement as an entirety and the prohibition against accepting any bid in excess of such estimate, in conjunction with the requirement of Section 6 of the Act of May 23, 1874, that contracts shall be given to the lowest responsible bidder, seems to commit the City to inviting bids and executing a contract for all of the work before the construction of the improvement is begun, for if this were not done there could be no assurance that the bid or cost of the improvement as a whole would not exceed the estimate, as is thus required. Under former administrations, this obstacle was overcome by resort to the illegal practice of asking for bids for the entire work, but making an original contract for only such part thereof as the available and appropriated money would pay for, either binding the City or at least giving it the right to award further contracts under the original bid from time to time, as additional sums should be appropriated. The employment of this device of the so-called "supplemental contract" has in the past been greatly abused, and, as you know, was severely and emphatically condemned by the

Courts in the case of *Lewis vs. Philadelphia*, 235 Pa. 260, and in *Smith vs. Philadelphia*, 227 Pa. 423, as a practice contrary both to the letter and to the spirit of the law.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 8, 1913.

*Proposed Act of Authorizing City to Make Contracts for
Longer Than One Year.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—As requested by you, I herewith return the further correspondence in reference to a proposed Act authorizing contracts for certain purposes in cities of the first class for a period not exceeding five years.

As to Mr. Rogers' letter to you, permit me to say that the question whether a contract covering a period of several years is to be computed as an addition to the municipal debt was definitely settled in the case of *Wade vs. Oakmont Borough*, 165 Pa. 479, in which it was decided that such a contract, or the amount payable thereunder, was not to be so regarded. This was in accordance with the early case of *Erie's Appeal*, 91 Pa. 398, which held that if the liabilities of a City do not overrun its current revenue, they are not to be taken as a part of the debt. The case of *Wade vs. Oakmont* has been followed often in more recent cases.

I am, therefore, of opinion not only that the sixth section of the proposed Act is valid, but that it is merely declaratory of the law as it would be without that section, and, therefore, may perhaps be regarded as unnecessary.

The expression "borrowing capacity" was copied from the original section of that number. To substitute the

word "indebtedness" would, in my judgment, be less apt, for the section begins with these words: "In computing and stating the indebtedness of any city of the first class," etc., and to use "indebtedness" immediately below would not advance the thought as well as to proceed from the indebtedness of the City to its borrowing capacity. Possibly "for the purpose of determining the right of such city to borrow money" would be a more formal expression of the thought, but I believe "borrowing capacity" sufficiently well understood and clear for the purpose.

As you know, we are fairly busy here, and I think it would be a needless consumption of time for this Department to become engaged in controversy or discussion as to legislative bills prepared by third parties, and to avoid this, I must ask to be excused hereafter from expressing opinion upon the validity or the wisdom of any such bills.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 10, 1913.

*Contract With Fay & Son, Alterations to Fire Station No.
49, Fifteenth and Snyder Avenue—Inspector.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of the Chief of City Property, approved by you and by the Director of the Department of Public Safety, in regard to contract with Messrs. Fay & Son for alterations to Fire Station No. 49, at Fifteenth and Snyder avenue. It appears therefrom that the contract was executed July 16, 1912, the contractors being notified on July 29th to proceed with the work, but no inspector being appointed at the time.

On September 4, 1912, an inspector was appointed under the requirement of the specification that the contractor will be required to employ at a monthly wage of ninety dollars an inspector to be named by the Director of the Department of Public Safety. The work was completed on November 29, 1912, and it is stated that certain additions and changes were made in the building due to after consideration of alterations, and "certain delays were caused thereby, through no fault of Fay & Son." The latter have rendered a bill deducting from the amount remaining due them two hundred and forty (240) dollars for eighty days' pay of the inspector, and the question asked is whether the pay of such inspector should not be calculated from the date of the contract on July 29th to its termination November 29, 1912, instead of for eighty days, as calculated by the contractors.

In no event should the pay of the inspector be charged against the contractors except from the date of his appointment, which was on September 4th. The interval between that date and the completion of the contract on November 29th comprises eighty-five days, and the difference between the calculation of Messrs. Fay & Son and that which the City might possibly insist on is for five days' pay only, or say fifteen dollars. In view of the statement of the Chief of the Bureau that delays occurred through no fault of Messrs. Fay & Son, I think you would be justified in accepting the estimate made by the contractors provided that the delay not resulting from their fault would amount to five days.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 11, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter dated March 5, 1913, from George S. Webster, Chief of the Bureau of Surveys, approved by you, inquiring whether the White Hall Commons frontage upon Torresdale avenue, from Margaret street to Tucker street, is assessable for municipal improvements so that a lien may be filed against it for a sewer laid on Torresdale avenue.

On the 26th of November of last year, in reply to a similar question relating to the same property, I advised you that until actual possession of White Hall Commons is taken by the City, or a definite judgment is rendered fixing and awarding damages, the municipality would have a right to file a lien against the property. I now reiterate that advice, and refer you for the reasoning in support of it to my opinion of November 26, 1912.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 11, 1913.

Proposed Acts—Establishment of Grades on Private Alleys; Classification of Street Pavements.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Your letter of yesterday enclosing copies of two proposed Acts, one providing for the abatement of nuisances and establishment of grades on private alleys in

cities of the first class, and the other to authorize the classification of street pavements and to provide for an assessment therefor in cities of the first class, has been duly received and I am taking the earliest possible opportunity to reply thereto.

I think the first of the two Acts, which was prepared by the Chief of the Bureau of Surveys, is a proper one, though perhaps somewhat vague, if not defective, in form. I have had prepared and enclose herewith a form which more clearly embodies the contents of said Act, and, so far as may be done in the limited time at my disposal, corrects the draft submitted.

The second of the proposed Acts which it to authorize the classification of street pavements and to provide for the assessment therefore in cities of the first class is, I fear, unconstitutional and beyond remedy. It provides for a second pavement, part of the cost of which is to be assessed against the owners of abutting property after the first pavement has been laid by the City. Under a long line of cases this is forbidden, not only by law but by the Constitution, because when a pavement or other improvement has been placed in front of a property which abuts on a highway and has been adopted as a City improvement the property must be taken to have contributed its share, and any new pavement substituted therefor must be at public expense as it is for the benefit of the public and not for that of the abutting owner. Moreover, whether abutting property may be assessed by the foot front rule does not depend upon whether it is assessed for taxation as rural or urban, but whether it may be found to be actually of the one character or of the other, therefore the provision of Section 2 of the proposed Act that Class B pavements shall be laid in streets the property abutting on which is assessed at suburban rates, the cost to be assessed in the manner provided for the assessment of new pavements, cannot, I think, be sustained.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, March 11, 1913.**Proper Line for Building on Worrell Court.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to the letter of the Chief Engineer and Surveyor, approved by you, relative to the erection of a stable building on Worrell court upon the rear of the lot at the corner of that court and Plum street, I beg to advise you as follows:

It appears that Plum street is 20 feet wide and Worrell court 16 feet wide; the building proposed to be erected is at the back of the lot, which extends 32 feet on Plum street and 54 feet $4\frac{3}{4}$ inches on Worrell court; the building is to be of brick and to cover the whole width of the lot extending 16 feet from the rear line thereof, the 16 foot face along Worrell court having no entrance on the first story, but being built with three windows on that story and with a door over the center window in the second story. The doorway for entrance into the stable is to be in the 32-foot face with an open shed above it. The District Surveyor states that "Worrell court, I believe, from evidence on the ground, was not improved with brick or stone buildings prior to the Act of April 21, 1855."

The inquiry is whether the owner must recede with his building on Worrell court a distance of 4 feet 6 inches from the 16-foot line of the court in order to make an equal widening to 25 feet, in accordance with the provisions of Section 6 of the Act of April 21, 1855 (P. L. 264). That section provides:

"That no new dwelling house, or other building, within said city, shall front upon any street, alley or court which shall be of less width than 20 feet, or without being made to recede so that such street, alley or court shall be of that width, the buildings

on each side equally receding * * * and no building of any kind shall be permitted to be erected on any street, court or alley hereafter to be laid out, or if laid out and wholly unimproved by brick or stone buildings before the passage of this Act, of a less width than 25 feet."

I think the 32-foot face of this building, in which a doorway is to be placed for entrance, should be regarded as the front of the building, and the 16-foot face upon Worrell court as one of its sides. If the question, therefore, were with respect to the widening to 20 feet, that requirement would not attach to the building, as was decided in *Guarantee Trust Co. vs. Philadelphia*, 30 Leg. Int. 240, which held that the words "front upon any street, alley or court" refer only to that wall of a building which is strictly its front, and not to the rear or side walls. The widening in question, however, is that which is provided for in the latter portion of the section to 25 feet, and the language in regard thereto, which was used by the Legislature, has a different significance. The provision is that

"No building of any kind shall be permitted to be *erected* on any street, court or alley"

which is wholly unimproved by brick or stone buildings before the passage of the Act of a less width than 25 feet. In the decision of the case of *Guarantee Trust Co. vs. Philadelphia*, above referred to, the Supreme Court was assisted by a written opinion given by the late Eli K. Price, Esq., and decided the case in accordance therewith. Mr. Price was the draftsman of the Act, and in calling attention to the fact that the 20-foot widening concerned only such premises as should front upon any street, said: "If more had been intended other words would have been required. Instead of 'front upon' the words would then have been 'built upon,' or 'shall front or flank upon.'"

Now, with respect to the 25-foot widening of streets laid out after the date of the Act, or at that time wholly

unimproved by brick or stone buildings, the language of the statute is substantially what Mr. Price thought would have been used to include the flank or side of the building, to wit: "Erected on any street, court or alley," etc., and in the case of *Philadelphia vs. Wall*, 184 Pa. 557, the referee to whom the matter was referred, in passing upon the question raised between the parties, which directly concerned a building fronting upon the street, after quoting the foregoing language used by Mr. Price, said:

"Where the street is of less width than 25 feet and wholly unimproved by brick or stone, the remedy was to prevent the erection of all buildings whether they front or side upon said street, unless they recede to the 25-foot line. The effect of this was to have all new streets 25 feet wide. The former section of the Act in relation to 20 feet refers to streets already built upon, and the latter section in relation to 25 feet refers to streets not built upon or not laid out."

The opinion of the referee in that case was adopted in turn by the Court of Common Pleas and by the Supreme Court.

As already noted, the District Surveyor in the present instance states his belief to be that, while Worrell court is an old thoroughfare, it was not improved with brick or stone buildings prior to April 21, 1855. If this opinion on the part of the District Surveyor be verified by the facts, I think the proposed builder should be required to recede 4 feet 6 inches from the 16-foot line of Worrell court in order to make an equal widening on both side to 25 feet.

The delay in answering this inquiry has been because I have awaited the furnishing of further data which it was understood the Chief Engineer would send to this Department.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, March 13, 1913.**Enforcement of Guarantee Clause in Supplemental Contracts.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of an inquiry of the Chief of the Bureau of Highways and Street Cleaning, which you have approved, whether the maintenance guarantee can be enforced on work done under supplemental contracts, and whether that guarantee is binding where the work is done under an original contract which, however, provided for further work to be done under a supplemental contract or contracts.

I think the guarantee should be insisted upon in both cases. While the supplemental clause of the original contract has been decided to be invalid and the supplemental contracts made pursuant thereto without separate advertisement and bidding were also determined to be beyond the power of the City to make, yet the whole of the original contract was not invalidated, and all of the other terms thereof are enforceable, especially after the work provided for has been done and the consideration therefor received by the contractor.

I also think that as to the work done under the supplemental contracts themselves the requirements of law with respect to advertisement and bidding are for the protection of the City, and the statutes providing therefor being mandatory, those safeguards may not be dispensed with. But it would be a great perversion of this doctrine to permit those who have done work for the City under supplemental contracts and have received the consideration provided for therein to set up this defect in order to escape compliance with the terms under which the work was done. I do not believe that the Courts would suffer such an effort to be successful.

In the letter of the Chief of the Bureau the name of the Filbert Paving and Construction Company is mentioned. You will of course, understand that the foregoing does not apply to those supplemental contracts of that company under which it was required by the Courts to repay to the City the money received by it in payment for work and materials which it supplied.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 13, 1913.

*Water Rent Charges—Property Owned by Philadelphia
Rapid Transit Company.*

MORRIS L. COOKE, ESQ.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Water, approved by you, with reference to the opinion of this Department of November 20, 1912, with respect to water rents charged upon property owned by the Philadelphia Rapid Transit Company. That opinion was in part, that if the delay in paying the water rent had been occasioned by the pendency of a dispute between the Transit Company and the City as to the amount to be paid, it might be just and equitable that the penalty should be remitted. The Chief of the Bureau of Water states his interpretation of this suggestion, on which he asks the criticism of this Department, in the following terms:

“The fact that the delay in paying the water rent was occasioned by the pendency of this dispute, and not through the refusal or neglect on the part of the Philadelphia Rapid Transit Company, they be-

ing desirous of settling all claims, relieves that company of the penalty which, by reason of the City's failure to properly adjust on time, accrued. In other words, a penalty cannot be enforced until a correct charge or bill is presented to them."

I think this states the position of the Department of Law somewhat too broadly and unqualifiedly. I would not be prepared to say in all cases that "a penalty cannot be enforced until a correct charge or bill is presented." The thought which I endeavored to convey was that the case in question might well come within that provision of the ordinance of July 9, 1897 (page 151), which is to the effect that "all claims not fully met by the foregoing are to be adjusted by the Department in such manner as it may deem just and equitable." That is to say, that in the particular instance under inquiry, the Transit Company, having at all times been ready to pay the bill as soon as it should be adjusted, it might properly be deemed just and equitable that no penalty for delay should be inflicted upon that company.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 13, 1913.

Erection and Maintenance of Stands on Sidewalks.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 10th inst., from the Chief of the Bureau of Highways and Street Cleaning, bearing your approval, with respect to fruit stands, bootblack stands and the like, which are

stated to be generally erected on the highway with the consent of the owner of the adjoining property, but without authority from the City.

In the case of *Philadelphia vs. Sheppard*, 158 Pa. 347, it was held by the Supreme Court that the ordinance of this City forbidding the maintenance of such stands at a distance of more than four feet three inches from the house line, in effect authorizes their maintenance at the will of the owner of the abutting premises within that distance. No change has since been made in the ordinance upon the subject and the City is therefore bound by that decision, consequently a property owner has the right to erect and maintain, or to authorize such stands to the distance from the house line thus fixed. The Bureau of Highways may enforce the provisions of the ordinances and see that the highways are not obstructed beyond such limits, but that Bureau has not the power to compel the removal of the stands except when those limits are exceeded.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 14, 1913.

Lot on Quarry Street Owned by Academy of Natural Science.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—The letter of Dr. Samuel G. Dixon, President of the Academy of Natural Sciences, to you, in relation to the lot at the end of Quarry street, I referred to the Conveyancing Department, and I send you herewith its report, from which you will see that the Academy of Natural Sciences owns in fee the lot, and not the City,

but it is subject to the right of the City, as the grantee of John Agnew, to use it. All of this would be disclosed by an examination of the title which the Academy holds, and ought to be work that its own employees would do. This ground is at the back of what is now school property, and, while it may be stricken from the City plan, the Board of Public Education may want it retained for the purposes of light and air. I think it is a matter that the academy should take up with its own conveyancer and have adjusted, and if the services of the Conveyancing Department here are required, I will gladly have it co-operate. I send you, in addition to the report of the conveyancer, Dr. Dixon's letter to you, with his annexed plan.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 19, 1913.

Elevator Shafts in Buildings with Fireproof Walls.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—In reply to your communication of March 13th., requesting an opinion upon Section 4 of the Act of Assembly of April 25, 1903, permit me to say that the various clauses bearing upon elevator enclosures and hatchways are as follows:

“* * * and all elevators, hoistways, hatchways, well-holes, chutes, dumb-waiters and interior light or vent shafts, or shafts of any description, hereafter placed in any building * * * shall be enclosed, between floors and ceilings of each story, in suitable walls of brick, or with a suitable framework of iron and burnt clay filling, or of such other fire-

proof material and form of construction as may be approved by the Bureau of Building Inspection.
 * * * All interior openings in the enclosure walls of elevators, stairways, hoistways, hatchways, chutes and dumb-waiters, shall be provided with fireproof doors, made solid for their full height, and set in fireproof frames and fittings. Lights of wire-glass, in metal frames, may be placed in such doors and in the enclosure walls, but no one pane of wire-glass shall exceed in area two hundred and fifty square inches, between muntins. All exterior openings in the enclosure walls of stairways, elevators, or dumb-waiters, and all openings in the walls of interior light or vent shafts, shall be provided with approved wire-glass windows set in approved metal frames, but no one pane of wire-glass in such windows shall be larger than twenty-four inches by thirty inches between muntins. Automatic closing trap-doors, tin-lined on the underside, at each floor, when approved by the Bureau of Building Inspection, may be substituted for the above named enclosure walls for hoistways (without cars), hatchways and chutes."

I am of the opinion that where the speed of the elevator car is so great as to render the use of automatic closing trap-doors dangerous, or where the openings in the floors are of such large dimensions as to render the use of automatic closing trap-doors impracticable, that the Bureau of Building Inspection has the right to withhold its approval of the contemplated use of automatic closing trap-doors, and thereby force the requirements of the Act as to the erection of fireproof enclosing walls around such hatchways. This would not apply, in my judgment, to elevator hatchways, enclosures and automatic closing trap-doors now in use under the approval of the Bureau of Building Inspection.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 20, 1913.

*Purchase of Bulkhead by Pennsylvania Railroad Co.—
Delaware River between Queen and Christian Streets.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In conformity with the request contained in your communication of February 27, 1913, I enclose herewith two copies of draft of ordinance authorizing you to enter into agreement with the Pennsylvania Railroad Company for the purchase of bulkhead frontage on Delaware avenue between Queen and Christian streets. I have omitted from the form of agreement the clause relating to the railroad company having the unhampered use of two hundred feet of clear water-way north of Pier 46, South Wharves, as suggested in your letter. I have also changed the form so as to cover damages arising by the opening of Delaware avenue to the full width of one hundred and fifty feet.

As to the provision for a lease to the railroad company for twenty-five years for the Washington Avenue Pier, you are, of course, aware that under the Act of June 8, 1907 (P. L. 494) the Director of the Department of Wharves, Docks and Ferries, in letting, is required to offer leases of wharves, piers, etc. for more than one year at public sale, and is limited to ten years in the term of any lease made. I understand, however, that your plan is to base the lease not upon the power of the Director, but upon the possible power of Councils, and that the railroad company is willing to take the risk of the legality of such action, for both the railroad company and you as Director should remember that it may be held that the Act of 1907 was intended to provide an exclusive method of leasing the wharves and piers.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 22, 1913.

Making Payments After Expiration of Time Limit of Contracts; Edward Fay & Son—Twenty-sixth and Jefferson Streets.

W. D. CHAMPLIN, ESQ.,

Executive Secretary, Board of Recreation.

DEAR SIR:—I am in receipt of your inquiry of the 19th inst., whether the making of payments after the expiration of the time limit on contracts is equivalent to an extension of time, and the waiving of the right to exact liquidated damages for delay in the performance of the contract.

This has special reference to the contract of Messrs. Edward Fay & Son for the construction of a Recreation Building at Twenty-sixth and Jefferson streets, under which a request was made for an extension of time for the completion of the work which request was refused.

The mere making of payments due under the contract would, in my opinion, not constitute a waiver of the stipulation that a certain amount of liquidated damages may be deducted for each day or each month of delay in the fulfillment of the contract, provided that the payments so made do not comprise any part of the amount to be withheld from the contractor, as such liquidated damages, in accordance with the terms of the contract.

In the case of *Coryell vs. DuBois Borough*, 226 Pa. 103, it was held that the right to deduct damages for delay in fulfillment of a contract of this character might be waived by implication as well as by explicit agreement, and that if the contractor be led to believe that damages will not be exacted this may amount to such implied waiver; but that doctrine would, I think, not apply in the present instance in which the request for an extension has been in terms refused.

In order to avoid any possible implication that the pay-

ment is intended as a waiver of the clause providing for damages for delay, however, I would suggest that the warrant for such payment be accompanied by distinct notice to the contractors that the terms of the contract with respect to deductions for delay in completion will be insisted upon, and that the payment is not to be regarded as in any sense a waiver thereof.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 25, 1913.

Legality of Proposed Ordinance to Prohibit the Use and Obstruction of the Streets by Certain Vehicles, Etc.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of the inquiry of the Secretary of the Permanent Committee on Comprehensive Plans, dated March 15th, but just received in this Department, as to the legality of a proposed ordinance to prohibit the use and obstruction of the streets by certain vehicles, etc.

The body of the ordinance says nothing about the obstruction of the streets, but makes it unlawful, under a penalty of ten dollars, to drive or use on the streets of the City, any vehicle displaying advertisements "and used merely and mainly for advertising purposes except business vehicles engaged in the business or profession of the owner, provided advertisements thereon shall apply only to the business or profession of the owner."

Aside from the misleading character of the title to this

ordinance, I think it open to serious doubt whether it would be sustained by the courts as a reasonable restriction in the use of the highways.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 26, 1913.

In re Gilding of City Hall Tower.

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of an inquiry from your Department with reference to the annulment of contract of October 28, 1908, for the painting and gilding of the metal work on the tower of City Hall, for the sum of \$22,000.

The same contract was the subject of an opinion given to the Director of the Department of Public Safety on January 8, 1912, when the Bureau of City Property was attached to that Department. I enclose a copy thereof.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 26, 1913.

*Placing Police Officer in Building to Prevent Use of
Dangerous Elevator.*

JOHN R. WOLTER, Esq.,
Chief, Bureau of Elevator Inspection.

DEAR SIR:—In reply to your communication of March 24th, requesting an opinion as to the power of the De-

partment of Public Safety to place a police officer in a building to prevent the use of a dangerous elevator, permit me to say that where an elevator in general use by any considerable part of the public is so imminently dangerous that its use threatens to result in loss of life or limb, the Department would be warranted in proceeding in this summary manner. I assume, of course, that notice would first be given to the party operating such elevator to discontinue the use of the same. Upon failure to comply with such notice, and the safety of the public requiring it to be done, the police may be placed in power to prevent the further use of the condemned elevator.

This would not apply where there exists simply the need of ordinary repairs or alterations to render the use of an elevator more safe or more secure. In such case, the ordinary condemnation notice should be served and the usual precautionary measures adopted.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 27, 1913.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—Your letter of the 26th inst., in relation to:

An Ordinance to authorize the opening of Bellfield avenue, from Broad street to York road.

An Ordinance to amend an ordinance approved September 7, 1911, authorizing the opening of Washington lane, to its full width, from Chew street to County line; and

An Ordinance to authorize the revision of the lines and grades of Penn, Rubicam and Bringhurst streets, in the Twenty-second Ward,

was referred by me to the Road Bureau and it has reported to me as follows:

As to the Bellfield avenue ordinance, "This street cuts diagonally through a square of ground which would be triangulated and would be a very expensive operation. There is absolutely no necessity for the opening of this street. Bellfield avenue should go no further than to Broad street. The ordinance should not be passed."

As to the ordinance to amend an ordinance approved September 7, 1911, authorizing the opening of Washington lane, to its full width, from Chew street to County line, the recommendation is that it should be approved.

As to the ordinance to authorize the revision of the lines and grades of Penn, Rubicam and Bringhurst streets, in the Twenty-second Ward, it is reported that these lines and grades as revised are to meet the grade at which Penn street crosses the Philadelphia and Reading Railroad, and then to meet the grade of the adjoining streets, and that they must be brought up before the Board of Surveyors for confirmation. So far as this Department is concerned, there is no objection to the approval of the ordinance.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 28, 1913.

SIMPSON BROWN & WILLIAMS, ESQS.,

Morris Building, Philadelphia.

GENTLEMEN:—I am in receipt of your letter of the 25th inst., relative to the question whether the appropriation for the care of the chronic insane at Wernersville, who were transferred from the Philadelphia Hospital by the State Lunacy Commission, should be made to the De-

partment of Public Health and Charities or to the County Commissioners.

The distinction to which you call attention, between those lunatics who are committed to State institutions by the Courts and who are chargeable to the counties, and those who are not so committed and for whose support the poor districts and not the counties are liable, seems to be generally borne out by the statutes dealing with the subject. If, therefore, the Department of Public Health and Charities in this City, which as you state, is the successor to the Poor District, and the County Commissioners, were independent or adverse bodies resorting to different sources for their revenues, the conclusion would follow that that Department and not the County Commissioners should furnish the funds in question; but the two are dependent upon the same treasury and receive their appropriations from the same body, to wit, City Councils, and the question is, in my judgment, one which concerns merely a matter of administrative detail.

I find that in the appropriations by Councils no distinction has been made between the insane patients sent to the State institutions by Court commitment and those otherwise placed therein. Thus, in the annual appropriation for the current year no money for such purpose appears to have been given to the Department of Public Health and Charities, but in the appropriation to the Department of City Commissioners, in Item 36, funds are provided for the support of patients in the State Hospital for the Insane, Southeastern District of Pennsylvania, at Norristown; for the care of incurables at Wernersville; for the care of inmates at the State Lunacy Hospital at Harrisburg, and at the Hospital for the Insane at Danville, and these appropriations are apparently irrespective of whether the patients were committed by the Courts or not.

In the interests of unity I would suggest that this practice be continued. It would probably result in more or less confusion if a change in the method of making the appropriations were now made, and some of the funds were given to the Commissioners and some appropriated

to the Department of Public Health and Charities, and, since the money comes from the same treasury under appropriations by the same body, I think it best that such confusion be avoided.

With reference to the disadvantage to which you refer—of the County Commissioners being in such cases unfamiliar with the requisite details—this, I think, can be avoided in the manner suggested by the Director of the Department of Public Health and Charities in his letter to you of March 20th, that is to say, by that Department furnishing to the Commissioners all the information which it has as to the past history of the patients, and all other facts in its possession with respect to them. And, indeed, as to any necessary information which is lacking, it would not be unduly onerous to require that Department to make every possible effort to obtain whatever facts are needed, as to legal residence, etc.

As already stated, Item 36 of the appropriation to the Department of City Commissioners for the year 1913 embraces a fund of \$20,500 for the support of incurables at Wernersville. I assume from your letter that this is exhausted, or will be insufficient to meet the demands arising from the action of the State Lunacy Commission in making these transfers. If so, I would recommend that application be made to Councils by the County Commissioners to supplement this appropriation in the necessary amount.

I return herewith the correspondence which you were kind enough to send me, in accordance with your request.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 28, 1913.

GEORGE S. WEBSTER, ESQ.,

Chief Engineer and Surveyor.

DEAR SIR:—I beg to acknowledge receipt of your favor of the 24th inst., in which you state that affidavits have

been filed in the Bureau of Surveys asserting that Granite (formerly Ann) street, from Ditman street to Torresdale avenue, in the Twenty-third Ward, has been open to the width of 40 feet, and in continuous public use for a period of 21 years; that the District Surveyor has affirmed these affidavits with the modification that the portion which is used for public travel is that extending 240 feet southward from Ditman street, the remaining portion being below grade and not adapted to any vehicular traffic; that the street was placed upon the City plan on May 6, 1889, and that both prior to that date and subsequent thereto lots had been conveyed fronting on said street.

I am of the opinion that you would be warranted in accepting the affidavits and placing the street upon the plan as an open street, but before taking this action I would advise that releases for any change of grade be obtained from all abutting owners. This would prevent the recovery of damages from the City for opening the street to the established grade.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, March 31, 1913.

Liability for Horse Dying During Trial Period.

HERMAN LOEB, Esq.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter of March 28th, with reference to a horse which died after its sale to the City, and within the thirty-day trial limit provided for in the schedule of the contract, together with copies of the correspondence relative to the subject. You inquire whether you are right in assuming that even though

a horse purchased by the City has passed the required veterinary examination, but dies within the trial limit, the loss is that of the contractor and not of the City.

The relevant provision in the schedule to the contract under which the horse in question was purchased, is as follows: "All horses to be subject to inspection and strict veterinary examination within forty-eight hours, and trial by use for thirty days at owner's risk, and subject to rejection at any time within the thirty days should they fail to meet with the requirements for which they are intended to be used."

The cause of death in the present instance is stated by the veterinary surgeon to be high fever which turned into pneumonia, and it would appear from his report that the horse was delivered by the contractor when suffering from such fever.

You will notice that the schedule provides that within the trial period of thirty days the horse is to be at owner's risk. Owner, I think, may be assumed to mean the contractor from whom the City buys the horse, and the City would, in my opinion, be justified in insisting that during the thirty-day trial period the loss of the horse through death or otherwise, not resulting from negligence or improper treatment at the hands of the City's employees or servants, should be the contractor's loss and not the City's, and that therefore the horse should not be paid for.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 1, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In response to your communication of March 31st, returning me the draft of ordinance in

reference to an agreement with the Pennsylvania Railroad Company for the purchase of bulkhead frontage between Queen and Christian streets, upon which you have made certain alterations, I send you herewith two copies of the ordinance re-drafted in conformity with your suggestions.

The additions in the title of the ordinance and in the third paragraph, relative to the two hundred feet of clear water-way, are apparently unobjectionable.

As to the figure for the purchase price, you are correct in your statement that this is \$326,400. You provide for "a sum to be calculated," and I assume that your appropriation of \$330,000 is intended to cover any additional or incidental expenses in the matter over and above the real consideration for the property, which will be \$326,400.

It has been our practice in such matters to obtain official surveys, in order to incorporate in the ordinance a full description of the property. Whilst in this case the survey has not yet been secured, it should be had before completion of the purchase.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 2, 1913.

*In re transfer of Oxford and Lower Dublin Poorhouse
from Poor District to the City of Philadelphia.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—Permit me to acknowledge the receipt of your letter, inquiring what steps would be required to effect a transfer of the control and management of the

property of the Oxford and Lower Dublin Poorhouse to the City of Philadelphia.

It is needless to observe that this can, of course, be accomplished by a lawfully passed Act of the Legislature. The transfer, however, can be effected in another manner under existing law. Section 18 of the Consolidation Act of February 2, 1854, provides, *inter alia*:

“That the existing arrangements for the support of the poor in the boroughs and townships of Manayunk, Roxborough, Germantown, Bristol, Frankford, Whitehall, Oxford, Lower Dublin, Delaware, Moreland, and Byberry shall remain and continue until they are changed and altered by the Councils of the City of Philadelphia; and while these arrangements continue, no election shall be held under the provisions of this section for guardians of the poor in the Twenty-first, Twenty-second and Twenty-third Wards of said City: *Provided*, That in the districts within the Twenty-first, Twenty-second and Twenty-third Wards where houses for the accommodation of the poor are provided, no change shall be made without the consent of the qualified voters of the respective districts containing the respective institutions for the support of the poor.”

Thus, it will be seen that the change referred to in your letter can be made by ordinance of Councils, together with the consent of a majority of the qualified electors of the district, secured at an election properly held for that purpose.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 2, 1913.

*Removal of Railroad Tracks from Lehigh Avenue and
Richmond Street.*

GEORGE S. WEBSTER, ESQ.,

Chief Engineer, Bureau of Surveys.

DEAR SIR:—I am in receipt of your letter of the 28th ult., in which you state that

“The Department of Public Works and the officials of the Pennsylvania Railroad Company have reached an agreement relative to the removal of the steam railroad tracks laid by the River Front Railroad Company, under authority of Ordinance of May 31, 1877, from Lehigh avenue, between Trenton avenue and Richmond street, and on Richmond street from Lehigh avenue to Cumberland street, the railway company to do the necessary work in accordance with plans to be approved by the Department of Public Works, and the City to pay a sum not to exceed \$150,000.”

You submit a form of ordinance to carry out said agreement, and ask whether the agreement should be made with the River Front Railroad Company (Pennsylvania Railroad Company, lessee) or with the Pennsylvania Railroad Company as the successor to the River Front Railroad Company.

From documents submitted it appears that by agreement dated January 14, 1903, executed in accordance with the Act of Assembly of March 22, 1901 (P. L. 53) and filed in the office of the Secretary of the Commonwealth of Pennsylvania, April 1, 1903, the River Front Railroad Company became merged in the Pennsylvania Railroad Company, which thereby became vested with all the property, rights and franchises formerly of the River Front Railroad Company. The proposed agree-

ment should therefore be made with the Pennsylvania Railroad Company as successor to the rights of the River Front Railroad Company. I have accordingly corrected your draft of ordinance in this respect.

You say that it is proposed to set aside for this work the unexpended balance of the nine hundred thousand (900,000) dollars appropriated out of the loan of eleven million, two hundred thousand (11,200,000) dollars authorized by ordinance approved June 17, 1891, for the abolition of grade crossings on the line of the Philadelphia & Trenton Railroad, this latter work having been finished. I note your statement that the City Controller entertains the view that this may lawfully be done. I am of opinion that his view is correct. I have, however, modified your form of ordinance respecting this so that it shall read not only that the said unexpended balance be "set aside," but that it shall be expressly "appropriated" for the work now contemplated.

With these corrections your form of ordinance would seem to be in proper shape, and I return the same herewith.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 3, 1913.

Superrision of Hod Hoists or Material Elevators.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Elevator Inspection, approved by you, asking for an opinion as to the scope of the Ordinance of April 15, 1908, and whether the Bureau of Elevator Inspection should have supervision over the installation of

temporary hod hoists or material elevators erected in buildings in process of construction. Various reasons are stated by the Chief of the Bureau to show the impossibility of applying the provisions of the ordinance to such hod hoists.

After a careful examination of the terms of the ordinance nothing is found therein which seems to apply to hod hoists, the sling hoists, roller hoists, etc., mentioned in the 9th section of the ordinance not being hoists of the character in question.

It is quite manifest that most, if not all, of the requirements which the ordinance makes with respect to elevators it would be impracticable to apply to these temporary structures. The Chief of the Bureau states that this type of hoist has never been included and covered by the work of the Bureau in the past, and in view of all the facts stated in the letter of inquiry, I am of opinion that the attitude of the Bureau in the matter is the correct one.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 4, 1913.

*Use of \$500,000 Received from Philadelphia Rapid
Transit Company for Maintaining Streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of March 26th, inquiring whether the sum of five hundred thousand (500,000) dollars paid annually by the Philadelphia Rapid Transit Company to the City may be used for purposes other than work upon the passenger railway streets of the City, and also, "whether money appropriated to the

general fund cannot be used on Philadelphia Rapid Transit Company streets."

The tenth section of the contract of July 1, 1907, between the Philadelphia Rapid Transit Company and the City, which will be found on page 161 of the ordinances of that year, provides for a payment of a lump sum of five hundred thousand (500,000) dollars per annum for the first ten years and for increasing sums thereafter by the Rapid Transit Company to the City, and states that such sums have been fixed "in lieu and satisfaction of all obligations and liabilities on the part of the company and its subsidiary companies for the paving, repaving and repair of the streets occupied by their surface lines; the obligation of the company with respect to the removal of snow therefrom, and all license fees with respect to the cars run upon said streets or over the various City bridges or the system of operating said cars, and shall be in lieu of the right of the City hereafter to impose upon the company or its subsidiary companies similar obligations or charges."

It is thus seen that the annual payment is by way of commutation for charges not only for paving, repaving and repair of the streets occupied by the surface lines, but also for the various other obligations mentioned. Indeed, the money so paid could not be depended on to finance the entire cost of the necessary repaving and repairing of these streets since the Chief of the Bureau of Highways writes me under this date as follows:

"In making up our budget for the year 1913, we estimated, based on a policy of putting the P. R. T. streets in good condition at the end of five years, it would take about \$2,065,000 per year for the next five years to accomplish this result."

The sum received from the Transit Company is not earmarked after it reaches the City Treasury, as being devoted to any particular use, but is in relief of the City finances generally. Therefore it may be used for any purpose which Councils may deem proper, and it is not necessarily to be employed for work upon the passenger

railway streets unless Councils shall so appropriate it. Similarly, money appropriated to the general fund—that is to say, I presume for paving or repair of the streets generally—may be used on the passenger railway streets unless Councils direct otherwise.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 8, 1913.

Automatic Slot Telephones in Police Stations.

JAMES COLLINS JONES, Esq.,

Attorney for Keystone Telephone Co.,
460 Bullitt Building, Philadelphia.

MY DEAR SIR:—I am in receipt of your letter of yesterday, with reference to the right of the Keystone Telephone Company to place automatic slot telephones in the police stations by way of compliance with the ordinance of December 26, 1902, which provides that the telephone company “shall place its telephones in all police stations without cost when ordered by the Department of Public Safety, and shall thereby furnish to its subscribers and patrons free communication with the police system.”

The position of this Department in advising the officials of the Electrical Bureau has been that this provision of the ordinance requires free communication to be maintained between the subscribers and patrons of the telephone company and the police system in both directions—that is to say, whether the call originates with the subscriber or at the police station, or whether a call from the subscriber requires an answer at a subsequent time—in all of these contingencies it is the duty of the company to furnish free service.

You state that the telephones are to be so operated that any one desiring to communicate with the police stations may do so without charge, and any one may use the instrument in the station to communicate with any other police station or headquarters, or with hospitals or fire houses without cost. This limitation upon the use of the telephones installed in the station houses has seemed to us to place an undue restriction upon their use, and, therefore, not to be a full compliance with the requirements of the ordinance. In order to be justified by the terms thereof, all telephones in the stations should, we think, be open to free use in all matters relating to the proper business of the Police Bureau. For example, a subscriber may call up a police station and ask to be informed when a prisoner, who is about to be or has been arrested, shall be brought into the station house. In such a case the free communication which the ordinance obliges the telephone company to maintain would appear to require not only that the original call be free, but that the answer thereto be without charge, and many like cases may readily be conceived.

I note your statement that the only purpose of installing slot machines is to prevent the use of the telephones for other than public business. I agree that the telephones should be limited to that use, and it would be quite proper that those in charge of the station houses be instructed not to permit them to be otherwise employed; but even though there might be practical difficulties in the way of enforcing such instructions, I believe that consideration should not be permitted to interfere with the right to have free communication in both directions by the company's subscribers with the police system upon legitimate police business.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 8, 1913.

As to Use of West Wall of 1421 Walnut Street.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—Replying to your request of April 2d, for an opinion as to the use of the west wall of 1421 Walnut street, known as the Stock Exchange, permit me to say that, from the facts set forth in your letter, this west wall cannot in any sense be regarded as a party wall, because every part of said wall, including the foundations, rests entirely upon the land of the Stock Exchange. Therefore the owner may permit the use of this particular wall in any legal manner.

The answer to your Question No. 1, which is as follows:

“Is it not compulsory for every owner of a building where he builds to the party line or over the same to provide a party wall between his building and that of his neighbor?”

must be therefore in the negative, when he builds, as in this case, only to the party line.

Your Question No. 2 is as follows:

“If he should be permitted to use this independent curtain wall of the Stock Exchange as an enclosing wall, is it not a fact that we should then consider this wall as a party wall, and, in that event, the wall not being of the thickness required for a building of the kind and character he purposes to erect, would it not be illegal to use this wall, although the owner of 1421 Walnut street claims he has the consent of the officers of the Stock Exchange to use said wall?”

My answer to this question is as follows: There is no objection to the use of this independent curtain wall of

the Stock Exchange as an enclosing wall to the proposed new building. You cannot consider this enclosing wall a party wall, as a party wall must rest partly on the land of A and partly on the land of B, and, as I have before set forth, the owner of 1421 Walnut street may permit the use of this independent wall (resting entirely upon his own land) in any manner he sees fit. Examination of Section 18 of the Act of May 5, 1899, provides that non-bearing walls of buildings shall be not less than thirteen inches thick. From your letter I assume that this particular wall is a non-bearing wall and is the required legal thickness. Section 18 further provides that the minimum thickness of a curtain wall shall be thirteen inches. I presume that this wall could be also referred to as a curtain wall, and that it is the required legal thickness. Section 43 of the same Act also refers to curtain walls in buildings of skeleton construction, and provides that the same shall not be less than thirteen inches in thickness. The only legislation I can find bearing upon the space between buildings is that provided for in the City ordinance, March 28, 1894, which provides that where a wooden building is already erected for dwelling purposes upon an adjoining lot, there shall be between the walls of the building erected and the one to be erected a clear open space of three feet. This, however, would only apply to buildings of fireproof construction. As I understand, the building already erected and the building proposed to be erected on Walnut street are of this particular construction. The question narrows down to this: May a man erecting a wall entirely upon his land permit the adjoining owner to use the same as an enclosing wall for his building without this enclosing wall taking upon itself the character of a party wall? To this proposition I must answer, yes.

Of course, you will understand that this entire opinion is based upon the presumption of entire safety as to carrying powers of the wall, the thickness and weight of construction, and its fireproof character. Further, the Bureau of Building Inspection should be fully protected by

fling with their records the agreement from the owner of 1421 Walnut street as to the permission granted by him for the use of the wall in question.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 12, 1913.

Legality of Opening of Streets on Plan of the Philadelphia Park Association.

GEORGE S. WEBSTER, ESQ.,
Chief Engineer and Surveyor.

DEAR SIR:—I am in receipt of your favor of the 31st ult., inquiring “whether it would be lawful to enter upon its records as being legally open Twenty-third street, from Kennedy’s lane to Allegheny avenue; Lippincott street, from Twenty-third street to Kennedy’s lane; and Toronto street, from Twenty-second street to Kennedy’s lane.”

You state that “all three streets named above, together with others, appeared upon a plan of lots of the Philadelphia Park Association, dated August 14, 1852, and recorded in Deed Book T. H. 28, page 524. All of the lots fronting on these streets were sold prior to the year 1857, with the exception of a lot at the southwest corner of Twenty-third and Lippincott streets.”

Upon investigation, I find that no plan of lots of the Philadelphia Park Association, dated August 14, 1852, is recorded in Deed Book T. H. 28, page 524, and it could hardly be expected that it would be recorded in this book, as this is a conveyance to the Philadelphia Park Association and not a conveyance by it. I understand, however, that there was a plan of the Philadelphia Park Association from which lots were sold with reference to this plan fronting the streets named.

The latest cases on the subject are those of *O'Donnell vs. Porter Co.*, 238 Pa. 495, and *Tesson vs. Porter Co.*, 238 Pa. 504, both of which appear in the *Advance Reports*. These cases hold: First, that where the owner of real property divides land into lots and block and sells any of the lots according to a plan, he thereby dedicates the streets and alleys on said plan to the public use. Second, that by such conveyance the grantee takes by implied covenant the right that all the streets and alleys on the plan should forever remain open to the use of himself and his successors in title and the public generally. But that if the private plan of the grantor shows the streets as they are already plotted on the City plan, then as to such streets neither a dedication to the public nor a covenant with the grantee that the streets will remain open is to be implied.

You state that Twenty-third street, from Kennedy's lane to Allegheny avenue, was first placed on the City plan by confirmation of the Court of Quarter Session October 30, 1839, and March 8, 1841, both of which were prior to the date of the plan of the Philadelphia Park Association, while Lippincott and Toronto streets were placed upon the City plan by confirmation of the Court of Quarter Sessions July 2, 1859, after the date of the plan of the Philadelphia Park Association. Assuming that there are no other facts from which a dedication is to be presumed than those stated by you, it would follow on the principles so indicated by the Supreme Court that, if the line of Twenty-third street on the plan of the Philadelphia Park Association coincide with those of the previous plotting, that street did not, by virtue of the sale from the plan, become a legally opened street; but that Lippincott and Toronto streets (as to which the plan of the association preceded the plotting) did, by the private plan and reference thereto in the deeds, become dedicated public highways.

Should any of the streets so dedicated not have been opened to or used by the public for twenty-one years thereafter, then, under the Act of May 9, 1889, the dedication would lapse and such streets could not be opened

without the consent of the owner or owners of the land on which the same had been laid out, or on payment of damages for their opening.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1913.

Form of Notice—Proposed Sale of City Loan.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

MY DEAR SIR:—I am returning herewith form of notice of the proposed sale of City loan under ordinance of February 25, 1913, with the change of the date of the bond and of maturity from July 1st to May 1st. This may be necessary because under the Constitution and laws we have no authority to borrow money for a longer period than thirty years, and I want to avoid any opportunity for a contest on this point.

In the bonds or certificates themselves I think that after the words "half yearly on the first days of the months of January and July" there should appear the following: "Except the final interest payment, which will be for interest for four months due May 1, 1943, and which will be payable on that date at the maturity of this certificate bond."

The coupon bonds should have the final coupon payable May 1, 1943, for four months' interest.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, April 18, 1913.**Transfer Bureau City Property—Maintenance of Fire and Police Stations.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of April 17th, stating that the Bureau of City Property has been transferred from the Department of Public Safety to the Department of Public Works and advising me that you are not clear as to how far you are charged with the maintenance and repair of police and fire stations, and other departmental property. You further say that the Chief of the Bureau of City Property is of opinion that the City is in the same relative position as any other corporation in the matter of the ownership of property, granting the use of certain parts to various Departments, and that that Bureau stands in the position of agent for the City and should do all the work which a real estate agent ordinarily performs, in which view you agree. You further ask "just what would be necessary legally to put such an idea in force."

The Bullitt Bill in Article IV, Section 1, places within the jurisdiction of the Department of Public Works the construction, protection and repair of public buildings, structures and real estate of every kind for public use, except "such as now or hereafter may be used for educational or police purposes," which latter would, I think, include property for fire purposes, and which is left to the supervision and control of the Department of Public Safety under Article III of that Act. By the ordinance of December 30, 1886, passed to carry the Bullitt Bill into effect, the Bureau of City Property, theretofore known as a Department, was placed under the control of the Department of Public Works, but by the later ordinance of March 22, 1888 (page 191) that Bureau was transferred to the

Department of Public Safety, thus giving to that Department the charge of all public buildings, structures and real estate of the City, which, except police and educational structures, was intended by the Bullitt Bill to be within the control of the Department of Public Works. By executive action of the Mayor during the past year this Bureau was re-transferred to the latter Department, but I am informed by the Clerk of Councils that no formal ordinance was passed repealing the ordinance of 1888 or giving the specific sanction of Councils to the re-transfer thus made. However, in the annual appropriation for 1913 the money set apart for the Bureau of City Property was appropriated to it as if it were a branch of the Department of Public Works, thus in effect ratifying the action of the Chief Executive. Other appropriations, that is, for repairs to fire and police stations, appear in the annual appropriation for the current year to the Department of Public Safety. The matter is thus involved in great confusion, and an ordinance should be passed dealing with the subject in a comprehensive manner so that a clear and coherent scheme of government on the subject may be established in accordance with the requirements of law.

Taking up your inquiries severally: If the foregoing is a correct statement of the manner in which the appropriations for this year have been made, the responsibility for the maintenance and repair of police and fire stations would devolve upon your Department. As to other real estate belonging to the City, the view of the Chief of the Bureau of City Property, if I understand it properly, is correct. The City is in the same relative position as other corporations in the matter of the ownership of its property, but in granting the use of certain parts of such property to the various Departments the paramount authority is in Councils. The Bureau of City Property does stand in the position of agent for the City "to do all the work which a real estate agent ordinarily performs." Just what the functions of that Bureau are to be is set forth in a number of ordinances, notably those of March 22, 1888; June 26, 1901; August 29, 1854; April 3, 1900; October

19, 1854, and other ordinances and resolutions, to recite the provisions of which would be unduly cumbersome. They will be found collected in Brown's City Digest, columns 181 to 191, and a careful study of these will sufficiently indicate the duties of that Bureau.

I have nothing to recommend in the premises, except to have an ordinance passed clarifying the situation with respect to the line of demarcation between the two Departments, as above suggested, and for the Bureau of City Property to follow in the care and control of City real estate the ordinances which have already been passed.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1913.

Buildings Upon Narrow Streets.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—In reply to the letter of Chief Engineer and Surveyor Webster, approved by James Reed, Assistant Director, dated April 10, 1913, as to the scope of my opinion under date of March 11, 1913, relative to the recession of buildings abutting upon Worrell court, in which you ask the following questions:

1. Does the opinion refer only to Worrell court, or is it general in its application to public streets?
2. Does it apply to private streets?
3. Does it apply to the alleys of various widths bounding the sides and rears of lots as occurs very frequently in this City?

I beg to advise you that the opinion is general in its application to public streets, courts and alleys. It does not apply to private streets, courts or alleys.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 18, 1913.

Fire Loss Byberry Farms; Necessity for Contract to Rebuild.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

MY DEAR SIR:—I am in receipt of your letter of the 17th inst., stating that the Sinking Fund Commission has awarded to the Department of Public Health and Charities for fire loss incurred on account of the burning of a barn at Byberry Farm, a total sum of \$9,938.53, of which amount about \$6,000 is for the building. You inquire whether that Department in replacing the building destroyed is obliged to do the work under contract, or whether it may purchase the materials and pay for the labor itself. You state many excellent reasons why the latter course would be the better and more economical one, and I have no doubt that in many instances it would be more to the advantage of the City if it were allowed to proceed in the manner you suggest. Unfortunately, however, the 6th Section of the Act of May 23, 1874 (P. L. 233), provides that all work and materials required by the City shall be furnished and performed under contract to be given to the lowest responsible bidder. This seems to make it obligatory to do such work under contract in spite of the many benefits which the City would often enjoy if it could act for itself in the matter, and I am therefore of the opinion that in the case concerning which you inquire, the De-

partment of Public Health and Charities would not be authorized by law to purchase the material and pay for the labor without entering into a contract in the ordinary manner for the rebuilding of the barn.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Proposed Exchange of Property Adjacent to Parkway.
Philadelphia, April 19, 1913.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Superintendent of Real Estate, approved by the Chief of the Bureau of City Property and by you, with reference to the exchange of two small corners of property owned by the City, adjacent to the Parkway, for another piece of property belonging to Edward Newton, and the additional payment of a sum of money to the City in consideration for the exchange. Inquiry is made whether the City has the legal power to enter into such a transaction, and a request to be directed as to the proper way to proceed if the plan be not feasible.

As the foundation for any such transaction a permissive ordinance of Councils is, of course, required. Under the legislation in existence before the Act of 1907 with reference to the Parkway was passed, it was deemed impossible for the City to agree directly for the exchange of properties, as the Act of February 21, 1855 (P. L. 269) was regarded as limiting the City in disposing of its real estate to the sale thereof at public auction. (City Solicitor's Opinion, March 6, 1912, to the Director of the Department of Public Safety in re exchange of Twenty-third District Police Station for premises Nos. 807-813 New Market street.)

Under the Parkway Act of 1907, I think a private sale or exchange of property within two hundred feet of the Parkway would be legally authorized, but the present status of the Pennsylvania Mutual Life Insurance Company litigation is such that unless the decision of the sitting Judge in the Court of Common Pleas No. 2 shall be reversed either by the Court in *banc* or upon appeal, the City is without authority to dispose of property so acquired until Councils shall have established a general system of restrictions to be placed upon such property, therefore, either until such system of restrictions be adopted or until that litigation is finally determined, it would seem necessary to hold the proposed exchange in abeyance, and I would advise that this be done for the immediate present.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 22, 1913.

Confirmation of Street Lines and Grades, Fisher Park.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of April 17th, inquiring whether the confirmation of the lines and grades of streets bounding and passing through Fisher Park, by the Board of Surveyors of June 19, 1911, constitutes a performance of the first condition in the deed of conveyance of said park to the City of Philadelphia made by certain of the heirs of Joseph Wharton, deceased, dated December 31, 1910.

The first condition is as follows:

“That the said City of Philadelphia shall within three years from the date hereof officially establish

the lines of streets bounding and passing through the tract of land hereby conveyed, in accordance with a certain plan of the Bureau of Surveys, General Plans Division, June, 1910."

The ordinance of December 31, 1910, authorizes and directs the revision of the lines and grades of streets upon that portion of the City plan bounded by Olney avenue, Ninth street, Godfrey avenue and Fifth street, and the establishment of such a system of streets through and bounding Fisher Park as will permit of better preservation of its natural topographical features and provide adequate means for public travel. This ordinance is the authority under which the Board of Surveyors confirmed the lines of the streets bounding and running through Fisher Park in June, 1911, and I am of the opinion that the action of the Board in doing so constituted a complete compliance with the first condition of the deed. That condition does not call for the performance of any physical work in connection with the actual construction of the streets so plotted. The words are apt words to describe the action of the Board of Surveyors in confirming the lines and grades of the streets bounding and passing through Fisher Park on June 19, 1911.

I return herewith the papers relating to the question enclosed with your letter.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 23, 1913.

Removal of Posters from Party Wall, 1412-14 Arch Street.

MORRIS L. COOKE, ESQ.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Superintendent of Real Estate, approved by the Chief

of the Bureau of City Property and yourself, with reference to posters upon the east wall of premises Nos. 1412-14 Arch street.

In this connection I would call your attention to the opinion sent you October 28, 1912 (Opinions of City Solicitor, 1912, p. 459), from which you will see that the owner of the property on which the western half of the party wall is built has no title to the eastern half of the wall, and is without power to rent the latter for the display of posters, etc. A lease from such an owner, therefore, may be disregarded by the City and the posters removed by it on default of the companies which placed them on the wall so to do after notice.

I would recommend that a further notice be given both to the S. H. Robison Co. and also to the Philadelphia Bill Posting Co. that if the advertising matter is not removed by a fixed date—say ten days later than the notice—the City will itself have it taken away. Of course, this should be followed by action on the part of the City in accordance with the notice so given.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 24, 1913.

Form of Advertisement and Circular—\$7,000,000 Loan.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I return herewith draft of advertisement and circular in re proposed loan of \$7,000,000 concerning which you ask whether these are in correct legal form.

I think the form of advertisement and circular are quite proper, except that, in my judgment, it would be

better for the first interest payment to be made on July 1, 1913, instead of January 1, 1914, and to be for two months' interest instead of eight months' interest. This would seem to be more in accordance with the usual custom in such cases wherein the first payment of interest is often under some provisional arrangement, and it would be at least as free from a supposed violation of the direction of the ordinance that the payment be semi-annual as would be an eight months' coupon or interest payment due January 1, 1914.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

Time When Board of Recreation Can Take Possession of Property.

MR. OTTO T. MALLERY,

Secretary, Board of Recreation.

DEAR SIR:—I acknowledge receipt of your letter of the 23d inst., in which you ask for an opinion as to when the Board of Recreation can take possession of the property bounded by the line of Blair street, the Philadelphia and Trenton Railroad Company, and rear of property fronting on Hewson street, in the Nineteenth Ward, which was authorized to be appropriated by ordinance of Councils approved July 27, 1911.

Section 4 of this ordinance provides as follows:

“As soon as the City shall become legally possessed of the tract of ground herein described, the said tract shall be placed under the control of the Mayor (Public Playgrounds Committee) * * *

The City can only become legally possessed of the property in question in one of two ways—either by deed conveying the property, or by a definitive judgment unappealed from.

The status of this matter is that the Board of Viewers has made its award and appeal has been taken by the City. Possession therefore of the tract has not yet been secured.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from George S. Webster, Chief Engineer and Surveyor, approved by James Reed, Assistant Director, Department of Public Works, asking me for my opinion as to whether in making a survey of property on the west side of Philip street, 154 feet south of Norris street, and extending through to Dillman street of the width of twenty (20) feet, the building would be required to recede two and one-half ($2\frac{1}{2}$) feet from the confirmed line of Dillman street, or whether said building may be permitted to extend to the twenty (20) foot line of said street.

In reply thereto I am of the opinion that if Dillman street was laid out after the passage of the Act of April 21, 1855, or if laid out and wholly unimproved by brick or stone buildings before the passage of the Act, the building must recede two and one-half ($2\frac{1}{2}$) feet from the twenty (20) foot line of Dillman street so as to make the street twenty-five (25) feet in width.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

As to Payment of Money Set Apart Out of Insurance Fund for Rebuilding Barn at Byberry Destroyed by Fire.

GENERAL LOUIS WAGNER,
Chairman, Sinking Fund Commission.

DEAR SIR:—I am in receipt of your inquiry of the 24th inst., as to the method of payment of the sum of nine thousand nine hundred thirty-eight dollars and fifty-three cents (\$9,938.53), as set apart out of the insurance fund to the Department of Public Health and Charities for the purpose of rebuilding barn at Byberry, which has been burned down.

You state that you have offered to pay to the Director of that Department the amount in question, but were stopped by the suggestion that you had no right to make such a payment, and you ask to be advised upon this point so that the matter may be adjusted.

The fourth section of the ordinance of March 29, 1904, page 55, provides that the Sinking Fund Commission shall pay over from the insurance fund to such Department or Departments of the City Government as may be charged with the rebuilding, repair, or replacement of the property destroyed or injured, such sum or sums as may be necessary for the purpose of such rebuilding, repair or replacement. Ordinarily the repair or rebuilding of property destroyed by fire would be within the control of the Department of Public Works or the Department of Public Safety, according to the character and use of the buildings injured or destroyed. In the present instance, however, I understand that the barn is to be rebuilt by the Department of Public Health and Charities, so that if the provisions of Section 4 of the ordinance were to be literally complied with, there would be no impropriety in paying the money to the head of that Department; but

some practical obstacles to the payment of the amount in a lump sum arise, since the Director of Public Health and Charities would have no available method of holding or disposing of the fund until it could be paid out for work and material used in the rebuilding, and in the meanwhile might feel himself obliged to turn it over to the City Treasurer, thus requiring an appropriation ordinance for its use.

I am told that heretofore the practice has been followed of the Sinking Fund Commission's retaining the money and paying it out upon bills, payrolls or warrants drawn against it and approved by the head of the proper Department.

The matter is one which principally involves practical routine and good management in applying the fund to the purposes of reconstruction or repair, and I can see no objection to following the established practice and paying the money over to those furnishing the work and material as it shall become due to them. This in my opinion would be a practical compliance with the provisions of the ordinance requiring the fund to be paid to the Department charged with the rebuilding, etc., and would sufficiently answer the legal requirements in the matter.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

In Rebuilding of Barn at Byberry.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

MY DEAR SIR:—In further reference to your inquiry of April 17th, as to the necessity for entering into a con-

tract for the rebuilding of the barn at Byberry, for which purpose the Sinking Fund Commission is allotting about six thousand dollars, I may say that I did not understand from your letter the purpose of the Department of Public Health and Charities to be that of advertising for a contract for all the material required in the rebuilding of the barn and of employing laborers who are now carried upon the payrolls of the City to do the whole of the work of rebuilding. I am now informed that such is the intention of the head of that Department.

I do not think that the Act of May 23, 1874, was intended to require that cities shall in all cases have work done under contract with third parties where they are paying laborers on the City's payroll who may properly be detailed to do such work. We have familiar examples of this in the work of repairing the streets, work in the Water Bureau, etc.

As now informed, therefore, I think there would be no legal objection to the course above indicated, and that if the materials needed for the rebuilding of the barn be bought after due advertisement and under contract let to the lowest responsible bidder, it would not be improper to permit the laborers employed by the City to do the work of rebuilding and to pay them from the fund set apart by the Sinking Fund Commission for that purpose, upon duly authenticated payrolls.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

*Right of the Mayor to Reduce an Item in an
Appropriation.*

WILLIAM H. FELTON, Esq.,
Chief Clerk of Common Council.

DEAR SIR:—I am in receipt of your inquiry of the 24th inst., on behalf of Common Council, whether the

Mayor has a right to reduce an item in an appropriation. The inquiry is in reference to the action of the Mayor of the City in notifying Councils, under date of April 17, 1913, of his approval of an appropriating ordinance.

"except the following item. I have already sent you, under date of April 15, 1913, formal notice that I had approved portions of this ordinance and withheld my approval from this portion. The item of which I have disapproved is as follows: 'Receiver of Taxes, Item 2 (b). Extra clerks for emergency work, ten thousand (10,000) dollars, which I hereby reduce to five thousand (5,000) dollars, by reason thereof reducing the total appropriation to the Receiver of Taxes from seventeen thousand five hundred and sixty (17,560) dollars to twelve thousand five hundred and sixty (12,560) dollars. I was compelled to make the reduction in this item because of the condition of the City Treasury, to which I have called your attention at length in my message of to-day, returning to you Common Council bill No. 81."

Somewhat similar language was used in another message from the Mayor on the same date, with respect to the reduction in the amount of a proposed appropriation for automobile hire following the statement that "the remaining items of which I have disapproved, are as follows."

Article I, of the Act of June 1, 1885, provides that

"The Mayor may disapprove of any item or items of any bill making appropriations, and the part or parts of the bill approved shall be the law and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed by law for the passage of bills over the Mayor's veto."

Article IV, Section 16 of the Constitution of Pennsylvania makes this provision:

“The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.”

It will be seen that the language of the Constitution and of the Bullitt Act, with respect to partial vetoes of appropriation bills is substantially similar, except that the constitutional provision would seem to be the more effective of the two in limiting such vetoes to distinct items by reason of the phrase in the Constitution confining its operation to bills “making appropriations of money embracing distinct items,” which phrase is omitted from the Act of Assembly.

The constitutional language upon the subject was exhaustively considered and analyzed in the case of *Commonwealth vs. Barnett*, 199 Pa. 161. That case involved the question whether the Governor had the right to approve of an appropriation of \$11,000,000 for public educational purposes to the extent of \$10,000,000 and to disapprove of the bill as to the balance of \$1,000,000 of the appropriation. The Supreme Court decided that under the above mentioned terms of the Constitution the Governor had that right, one justice only dissenting. The reason upon which that decision is based was that in the opinion of the Court, the words “Item” and “part” were used interchangeably and in the same sense, and that the authority which the Constitution vested in the Governor to veto an item applied with equal force to any part of the appropriation though it were not separately itemized.

I cannot see how the power of the Governor in this matter and that of the Mayor of cities of the first class in their several spheres can be differentiated in this respect. As already stated, the Bullitt Bill gives the Mayor the like authority as to partial vetoes which the Constitution confers upon the Governor, and if there be any dis-

tion it is a little clearer that the Mayor may lawfully disapprove of a part of one integral item of an appropriation while approving of another part thereof.

It may be that the word "reduce" is not an apt one for the purpose which the Mayor had in view. In the Barnett case, the Governor in his veto message had expressed himself thus: "I therefore approve of so much of this item which appropriates \$5,000,000 annually, making \$10,000,000 for the two years beginning June 1, 1899, and withhold my approval from the \$500,000 annually, making \$1,000,000 for the two school years beginning June 1, 1899."

This sentence is more distinctly in accord with the constitutional and statutory language. Nevertheless, in connection with the Mayor's statement that "I return you herewith Common Council bill No. 71 entitled * * * with my approval, except for the following item" the intention to approve of a part of the appropriation and disapprove of the balance is sufficiently clear for all legal purposes, and I therefore advise you that in my opinion the message sent to Councils under date of April 17, 1913, adequately complied with the requirements of law necessary to make effective the Mayor's veto of those parts of the appropriations of which he thus stated his disapproval.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

Use of Policemen to Canvass Assessor's or Registry List.

WILLIAM H. FELTON, Esq.,

Chief Clerk of Common Council.

DEAR SIR:—I am in receipt of the copy of the resolution of Common Council of the 17th inst., requesting my opinion upon the following question:

“Is it within the legal power of the Director of the Department of Public Safety or the Mayor to employ the policemen of the City of Philadelphia to canvass the assessors’ or registry list, or otherwise employ them to do duty other than police work proper, and when, or under what circumstances, if any, may the policemen be used for political work of any character? If the policemen are excluded under the law from performing such political work or duty, whether any obligation rests upon the City for the payment of the policemen while so employed?”

A policeman’s function is to aid, in the maintenance of peace and order in the community, to investigate where crime has been committed or is regarded as in contemplation, and generally to assist in promoting the public safety. Policemen are the instruments by which may be secured conformity to the laws of the Commonwealth and the ordinances of the municipality, and it has been well said that in the performance of their duties they “should attend to every circumstance that a keen eye or ready ear bring under their notice.” Any employment within the lines of the functions thus described is legitimate, and if the Mayor of the City or the Director of the Department of Public Safety at any time considers with reason that there exists a false assessment or a false registration of electors affecting not only the possibility, but indicating the probability, of offence against the election laws, he would, in my opinion, be justified in assigning policemen of the City to canvass the voting lists for the purpose of ascertaining and reporting to the proper authorities any inaccuracies therein due to the placing thereon of false or fictitious names, or the names of persons dead or removed, and so prevent a fraudulent election. Such service would be to aid in securing conformity to the laws and to assist in the prevention of crime.

On the other hand, it is provided by Section 5 of Article 1 of our State Constitution that “elections shall be free and equal; and no power, civil or military, shall

at any time interfere to prevent the free exercise of the right of suffrage."

To order a police officer to solicit votes in behalf of a particular candidate, or in aid of any particular political party or faction, is a violation both of the spirit and the letter of this constitutional provision and is, of course, contrary to law. A police officer so ordered to act should refuse so to do, and for such refusal he could not legally be discharged or removed from the force; and should any one in authority so order him, it would lay the foundation for proceedings looking to his own removal from office. If police officers should become engaged in such unlawful work they would not, while so engaged, be acting within the scope of a policeman's duty and the service would not be such as would entitle them to be paid therefor by the municipality.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 25, 1913.

Liability of City for Accident—Municipal Hospital Ambulance.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

MY DEAR SIR:—Permit me to acknowledge the receipt of your communication of the 18th inst., enclosing copy of a letter written to you in relation to the injury to Mrs. Stern by a Municipal Hospital automobile ambulance. The case, as stated, is, of course, a very hard one and if anything could be done it should be. It is, however, but one of many such where injuries happen for which there is no legal redress.

The law is that injuries resulting from the actions of those engaged in the police and fire service, among others, cannot be made the basis for suits against the municipality. In this case the lady writing to you states: "By the laws of Philadelphia, prominent lawyers inform me they are unable to recover * * *;" and this statement is correct. Where the City is engaged in business such as the sale of water, or when it sold gas—in other words, when it is acting as a money-making corporation—it is responsible for the acts of its servants, but where it is engaged in what are called "governmental functions," such as preserving the peace, extinguishing fire, maintaining the health of the whole community, no suit can be maintained against it for injuries that may result to any person.

Of course, what could be done in cases of this character is to arrest the driver and possibly the doctor in charge, and certainly an action for damages would lie against either or both. Ambulances, even when unoccupied, dash very recklessly through the City streets, as you have doubtlessly observed, and I think it might be well, if you will permit the suggestion, to have the drivers of all automobile ambulances, police patrols, etc., admonished to go more slowly when the necessity for speed is not absolutely urgent, as sometimes may be the case.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 26, 1913.

*Right to Execute Contracts Prior to Borrowing of the
Money.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have to acknowledge the receipt of your letters of the 16th and 25th insts. in further reference to

the subject of my opinion to you of March 7th last, concerning the right of the executive officials of the City to advertise for and enter into contracts to be paid for from loans, in anticipation of the actual borrowing of the money, and in the event of Councils making an appropriation for the purpose from the proceeds of the loans but before their negotiation.

I intended to make it clear in my letter of the 7th inst. that this could not be done. This results from the provisions of the Act of June 11, 1879 and of the Bullitt Bill, which were intended to and in my opinion did prevent an appropriation of loan money from taking effect as such appropriation until the money should be in the City Treasury. Subsequently, as you will recall, a conference was held in this Department at which the City Controller, City Treasurer and yourself were present, and a bill which I caused to be prepared was introduced into the Legislature. If that bill shall be passed and approved the course you suggest will then be legally allowable, and after an appropriation from the funds proposed to be borrowed the contracts can be entered into and the work done thereunder even though the loan may not have been as yet perfected and the money borrowed in accordance therewith. Until such legislation shall have been enacted, however, an appropriation from loans not yet negotiated must be regarded as in abeyance until the proceeds of the loans shall be received, whereupon such appropriations become legally operative and contracts may therefore be executed, the amount thereof charged by the City Controller against the appropriation and the work done as provided for by such contracts.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, April 30, 1913,

In re Charge for Connection between Banks, Insurance Companies, etc., and Police and Fire Alarm Telegraph.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry whether the ordinance of March 7, 1871, p. 38, is still in force.

That ordinance authorizes banks, banking houses, insurance companies, and other institutions to be connected with the Central Office of the Police and Fire Alarm Telegraph of the City for the purpose of giving an instantaneous alarm, provided that the City shall be at no expense; that the said institutions pay to the City Treasurer the annual sum of twenty-five (25) dollars for the privilege, and that "any failure on the part of the said parties to comply with the above shall be a forfeiture of the privilege granted and their wire disconnected."

I do not find that this ordinance has been repealed, and it would therefore appear to remain in force, although I am informed by the Chief of the Electrical Bureau that no payment under this ordinance has been made for many years. I understand, however, that the trust companies, etc., pay to the City the annual sum of one hundred dollars each. This is paid for the privilege of being connected with the Police Department, so that the bank and trust company watchman may report at fixed intervals, etc., but I am not referred to any ordinance under which the fee for that privilege is fixed. While the Chief of the Electrical Bureau informs me that he regards the latter payment as for an entirely distinct purpose from that directed by the ordinance of 1871, no explanation is offered for the cessation of payments under that ordinance if they were ever made.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 1, 1913.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I acknowledge receipt of your favor of the 30 ult., in regard to the opening of Ogontz avenue, from Chew to Spencer street, asking me whether there is any reason why the opening proceeding should not be pressed.

My understanding of the situation is this: Ogontz avenue, between the points named, was authorized to be opened under ordinances of October 5, 1910, and December 14, 1910, which provided for the opening of this and many other streets in the immediate vicinity.

On March 12, 1912, I advised the repeal of both of these ordinances. By ordinance of December 1, 1911, entitled an Ordinance to authorize the revision of the lines and grades upon the portion of the City plan, bounded by Ruscomb street, Broad street, Spencer street, Church lane, and the right of way of the Philadelphia, Germantown and Norristown Railroad, the Board of Surveyors was authorized to change the lines and grades in this section. On March 20, 1912, I advised that unless the repealing ordinances were passed property owners would still have the right to claim damages under them for the streets mentioned notwithstanding the location of streets on different lines under the ordinance of December 1, 1911, and after the location under this ordinance would still be entitled to come in and claim damages for such streets as might be under the new location. The report submitted to me during March, 1912, was that there was no public necessity for the opening of these streets, and that if opened, they should be opened by deeds of dedication.

I understand that the lines and grades of Ogontz avenue, between Chew and Spencer street, will be the same when action is taken by the Board of Surveyors under the ordinance of December 1, 1911, and that there is, there-

fore, no question about the location of Ogontz avenue, between Chew and Spencer streets.

A jury was appointed upon petition of George D. Weidener, but has held no meetings. Two of the jurors are now members of the Board of Viewers, and one is an Assistant City Solicitor.

As by the opening of the street only two properties would be affected, one, that of Joseph A. Scanlan, for a distance of probably 150 feet, and the other, that of George D. Weidener, for a distance of at least one-third of a mile, I would suggest that an effort be made to secure a deed of dedication from the executors of the Estate of George D. Weidener, whom I understand is now deceased, and also from Joseph A. Scanlon.

If it is impossible to secure deeds of dedication from these parties, it might be preferable, in the present state of the City's finances, to construct the sewer and pay damages for the same without opening the street, because the construction of the sewer would probably occupy not more than 20 of the 100 feet in width of Ogontz avenue, and the damages would be slight as compared with the opening.

Ordinarily, it is proper that the streets should be opened before a sewer is laid, thus preventing double damages, but in this case the construction of the sewer alone might be the proper thing to do for the reasons above mentioned.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 6, 1913.

Widening of Chestnut Street.

GEORGE S. WEBSTER, Esq.,

Chief Engineer and Surveyor.

DEAR SIR:—Regarding the gradual widening of Chestnut and other streets in the central portion of the City, concerning which you wrote me on the second instant:

While I am unable, of course, to state the precise basis upon which the various road juries have acted in making awards to properties affected by these widenings, I am advised by those who have been closely in touch with this matter in the Road Bureau that, as a usual thing, allowance has been made only for ground taken. This seems to be the case regardless of whether the entire building was torn down in order to provide a new structure, whether the old party walls were used, or whether there was simply a new front added to the building.

Although in a large majority of cases settlement has been made with the various claimants by the owners, the amount of these payments has not represented the exact value of the number of square feet transferred from the exclusive use of the owners to the widening of the sidewalks.

In instances where the award of the jury has not taken into consideration the contention of the City that the loss, if any, is proportional and not fractional (because of the fact that the value of the ground remaining is greater per square foot than the deeper lot), the City has applied this contention in arriving at a settlement. A remittur has therefore been filed bringing the award down to a point which the City considered satisfactory.

The theory of defence presented by the City in these matters has been that in comparing a lot 20 feet front and 100 feet deep with another 20 feet front and 200 feet deep, both having the same advantages in location, the deeper lot does not have twice the value of the shallower one. This leads to the proposition that the shallower the lot the greater the square foot value. The result of this is that when a five-foot strip containing so many square feet is taken from a lot, the number of square feet left have each a greater value than in the original lot.

Witnesses called on behalf of the City to present this theory of defence have been accustomed to draw an arbitrary line somewhere in the neighborhood of 100 feet in depth, and to concede that where, for instance, a 100 feet in depth lot is reduced in depth to 95 feet, its market

value would be affected, while, on the other hand, the reduction of a lot 150 feet in depth to 145 feet would not make any difference in the market value. This theory is based on the assumption that about 100 feet of depth is necessary for the transaction of the kind of business common to these streets, while sales of property show that in the case of deeper lots little regard is paid to whether they have five or ten feet, more or less, of depth.

It appears also to be the custom in the presentation of the testimony in these cases for witnesses called on behalf of the claimants to value the property both before and after on a square foot basis, thus providing for a gross loss of so many feet, while the City's witnesses approach the proposition on the usual real estate measure of so much a front foot.

A very good reason for no allowance being made because of the rebuilding of a front wall is that the replacing of a wall of an old dwelling house by that of a modern commercial building, even if the capacity of the building is not increased by extra floors, so increased the rental value of the property that any cost for rebuilding the front or embellishment of the same is properly chargeable to an increase of capital, and is not, therefore, a permanent loss.

Where a building is only demolished to make way for a larger structure, there is, of course, no ground upon which to introduce as an element of damage the extra cost of the front wall over and above what might have been the cost of tearing out part of the old wall and building a bulk window.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 7, 1913.**Cancellation of Proposed Contract for Scrap Material;
Bribery of Official by L. Myers & Co.*

HERMAN LOEB, ESQ.,

Director, Department of Supplies.

DEAR SIR:—I have your letter of the 6th inst., relative to the awards of contracts to L. Myers & Company for the removal of scrap iron and old elevator cable from the basement of City Hall, and for the removal of brass and iron scrap, for the balance of the year 1913, under which respectively said proposed contractors have deposited certified checks as security in the sums of \$50 and \$2,000.

It appears that Mr. L. Myers, constituting the firm of L. Myers & Co., has attempted to bribe a City official to connive in the fraudulent weighing of the scrap, and pursuant thereto has paid him the sum of \$10.80, the pretended consideration for the material at the false weight proposed, for which offence he has been bound over for trial. In these circumstances you ask to be advised as to the proper steps to pursue in annulling said awards and what disposition you should make of the certified checks and the cash paid as above stated.

As these intended contracts have not been executed it will be sufficient for you to return to Messrs. L. Myers & Co. the two certified checks with a notice that the City will not enter into the contracts and that the award thereof has been cancelled; also withdrawing from this Department your request for the preparation of the contracts. The money paid, I think, should be retained for the present for use as evidence at the trial of Mr. Myers in the Criminal Court.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 9, 1913.**Contract With D. B. Martin Co. for Supply of Meat for
1913.*

HERMAN LOEB, ESQ.,

Director, Department of Supplies.

DEAR SIR:—I am in receipt of your letter of the 8th inst., enclosing a communication to yourself from counsel for the D. B. Martin Co., in reference to a contract for the supply of meats for the year 1913.

It appears that, owing to the lateness of the appropriation and to other delays, the contract between the Martin Co. and the City was not executed until February 25, 1913. In the meantime meats were ordered from that company and were furnished by it and billed at the schedule prices bid and accepted by the City and afterwards embodied in the contract, and an ordinance has been sent to Councils authorizing payment to it at those rates for the meat supplied before the contract was executed. In the letter from the attorney for the Martin Co. he contends that the contractor is entitled to payment for the meats so delivered before February 25th, not at the schedule prices at which they were billed, but at what he terms "market prices," being considerably more than the figures named in its bid. He further states that unless the City will pay his client at these advanced rates he will repudiate the contract for the balance of the year, because it purported to be for the entire year 1913, whereas it did not take effect until the date of its execution. Moreover, he expresses the intention to sue you personally for the "market prices" of the meats delivered between January 1st and February 25, 1913.

If the ordinance shall be passed which is now pending in Councils to reimburse this contractor, I do not think any of these contentions can be sustained.

You ask whether the Martin Co. is "estopped from now claiming market prices on their deliveries made prior to

the execution of the said contract." I am of the opinion that the D. B. Martin Co. cannot recover any higher prices for the meats delivered prior to the execution of the said contract than those bid by it and at which it billed the meats.

You also ask, "where supplies are absolutely necessary before a contract therefor can be entered into, am I justified, where money is available, in issuing orders for such quantities of said supplies as may be needed up to the time that a contract can be executed therefor?" Legally you are not so justified. Various statutes provide positively that neither work nor material may be furnished to the City without a previous written contract therefor entered into with the formalities prescribed by law. These statutes have been enforced in recent cases, notably in *Bullitt vs. Philadelphia*, 19 D. R. 1091, and *Anders vs. Philadelphia*, 20 D. R. 279. In the latter case a contract for street cleaning for the entire year was finally signed late in February and it was held that the contractor was not entitled to payment for the work done prior to its execution. Furthermore, should Councils refuse to make the necessary appropriation, which requires a two-third vote of each branch and the signature of the Mayor, the officer ordering such supplies would probably be liable personally to pay for them.

As to wheher you would be morally justified as distinguished from a legal justification, this is a matter which each official must determine for himself; that is to say, whether in any given case of supreme necessity he is willing to incur the personal responsibility of ordering any article in the absence of an existing contract therefor.

In this connection I may perhaps take the liberty of saying, that although the annual appropriations are made very late in the preceding year, and therefor great difficulty is encountered in having contracts executed before the work or materials contracted for shall be necessary, yet by extraordinary care and exertion this difficulty may be overcome. By proper provision made in advance the contracts can be prepared and ready for execution immediately upon the approval of the appropriating ordi-

nance. This course has been followed with respect to contracts for street cleaning, the collection of garbage, ashes, street lighting, etc., ever since the decisions above referred to were rendered, and as a result the work provided for by such contracts goes on without interruption, so that on the first day of the year the ashes and garbage are removed as usual and much other work is done without lapse and under executed contracts for the year beginning on that day.

The hearty co-operation of this Department is at your service with a view to reaching the like results as to contracts under your supervision.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 9, 1913.

Assessment of Abutting Property for Paving, Repaving, Etc.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of the inquiry of this date of the Chief of the Bureau of Highways and Street Cleaning, bearing your approval, with respect to the ordinance of December 30, 1912, which appropriates to that Bureau \$11,000 "to pay for the paving, repaving, grading, re-setting of curb and other incidental work on Silverwood street, from Cotton street to Rector street, and for the necessary grading and repaving on Cotton, Roxborough and Rector streets."

It is stated that there are about 970 square yards of paving which is assessable, but the great part of it fronts on property "which cannot sustain the assessment;" that

a small strip in the center of the roadway, being. I presume, new paving, would, under ordinary conditions, be assessed on the abutting property.

In view of the provisions of the ordinance and of these facts an opinion is asked whether the cost of the paving of the small strip in the center of the roadway should be assessed upon the abutting properties, or whether the City may pay for it out of said appropriation.

It is not quite clear what is meant by the expression that the paving fronts on property which could not sustain the assessment, but from the plan submitted I understand that the property immediately abutting on the highway is a narrow strip against which assessment bills could probably not be collected, because the value of such strip would be less than the amount of the assessments thereon.

If such is the case it is not likely that any contractor would care to do the paving and accept assessment bills in payment therefor. Moreover, the ordinance does not direct that payment shall be made by assessment bills, but indiscriminately appropriates the money for paving, repaving, grading, resetting of curb and other incidental work.

If the appropriation be sufficient for the purpose, therefore, I am of opinion that it may be used to pay for the small amount of original paving which is here in question.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 12, 1913.

JAMES REED, Esq.,

Assistant Director, Department of Public Works.

DEAR SIR:—In reply to your letter of the 7th inst., in relation to the delinquent water rent bill southeast corner West School lane and Wissahickon avenue, permit me to

say that I referred this matter to Mr. Faries of the Road Bureau of this Department, and have received from him the following report:

"I beg to return herewith letter of W. Whitby, for Chief of Bureau, to you, dated May 7, 1913, in regard to a delinquent water rent bill against premises Southeast corner of West School lane and Wissahickon avenue.

"I have investigated this matter and find that the City had never acquired title to this property. It remains in the executors and trustees of the estate of E. Walter Clark, deceased, and if a bill is sent to them at 321 Chestnut street, it will be paid. I understand that the property was offered to the City under certain conditions, but was not accepted."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 12, 1913.

Right of Departments to Settle Claims for Damages.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 10th inst., in reference to a bill for repairs to the automobile of Dr. McGinnis amounting to \$19.38, occasioned by damage resulting from a supply wagon of the Bureau of Fire colliding with the automobile while the former was answering an alarm of fire. You state that the damage was occasioned as Dr. McGinnis alleges, although the report from the Bureau of Fire shows that there was no undue negligence on the part of the driver of the supply wagon.

You also refer to a letter from the Girard Trust Com-

pany, representing the owners of Pier No. 36, claiming damages in the amount of \$598.68 arising from a collision alleged to have been occasioned by a police tug running into the pier when responding to an alarm of fire on a very dark night when a strong easterly wind was blowing and when there was no light on the end of the wharf.

Regarding claims of this character, which you say are frequently presented to your Department, you ask what disposition should be made of the same; whether you may have work done by members of your Department where the damages as resulted from accident of this nature, and whether your Department could settle such claims by paying the bill for damage done.

The City would not be liable for the damage to the automobile even though the driver of the supply wagon answering an alarm of fire might have been guilty of negligence.

The United States Courts, however, in which the question of liability for damage to the pier might be litigated, do not recognize the immunity of the City in such cases, and if its employees were guilty of negligence the City would probably be held responsible. From the facts you state in this connection it would seem that the negligence upon the part of those in charge of the police boat in the present instance is at least doubtful.

As to your general inquiry, I would say that in cases where there are at your command employees of the City who may be assigned to repair damages of this character there would be no objection to your using your discretion in having the work done so as to avoid involving the City in a law suit, even though the right to recover might be clear; but I do not see how you can pay the bills for repairs so occasioned unless there is an appropriation at your service for that purpose, and even then, payment should not be made unless the City's liability is unquestionable, which should be determined by the Law Department in each case.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 14, 1913.

In re Proposed Ordinance Requiring Licensing of Persons Carrying on a Transient Retail Business for the Sale of Goods, Wares, etc., in the City of Philadelphia.

WILLIAM J. MILLIGAN, ESQ.,

Chief Clerk of Select Council.

DEAR SIR:—I return herewith draft of proposed ordinance requiring the licensing of persons carrying on a transient retail business, etc., as to the legality of which you inquire, with especial reference to the clause authorizing imprisonment following default in the payment of fines.

The proposed ordinance is authorized by, and is in the terms provided in the Act of May 2, 1899, P. L. 159, which permits cities to provide by ordinance the amount of the license fees not exceeding two hundred dollars monthly and for fines for carrying on such business without paying the license fees “and in default of payment of said fines, to be imprisoned in the jail of said city or county for a period not exceeding thirty days.”

I am therefore of opinion that as the law now stands such ordinance would be legal. There was introduced in the present Legislature House Bill No. 465 which, however, I do not think has as yet been passed and approved, and which requires a license for conducting businesses of the character in question, the amount to be fixed by the proper city, borough, or township, and in cities to be not less than one hundred nor more than two hundred dollars for each calendar month. Under the pending Act, those violating its provisions will be made guilty of a misdemeanor upon conviction of which they shall “be sentenced to pay for each day such business shall be conducted without a license a fine of not less than fifty nor more than two hundred dollars,” but without any provision for imprisonment.

By Section V of the proposed Act, all inconsistent Acts are repealed, and if this statute should be passed and approved, it would in my opinion effect the repeal of the Act of May 2, 1899.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 15, 1913.

Disposition of Booths in City Hall Court-yard.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your favor of yesterday, concerning the disposition of the booths, etc., in the court-yard of City Hall and which were erected for the recent Water Conservation Exhibit which was held there.

I understand that these structures were built without authority from Councils and in the absence of any contract for the material, the labor of putting them up being performed in whole or in part by workmen employed by the City. Councils have authorized payment for such labor, but refuse to make any appropriation for the material so furnished. Those from whom it was obtained, therefore, have no legal claim against the City, though you state that these booths might be of value to them, thus reducing whatever moral claim against the City they might have, but that you are in doubt whether you should permit their removal because the labor bestowed upon them and which has added to their value, was paid for by the City.

Whatever value these buildings had to the City was for a temporary purpose which has ceased to exist, and Councils, in paying for the labor applied in the manner

above stated, were actuated by a desire that the City's employees having done the work in obedience to orders should not be refused compensation therefor rather than by a desire to adopt the result of the action of your Department. Moreover, it is desirable in the interests of the City that these structures, which are somewhat unsightly, should be removed.

In view of the foregoing considerations, especially of the City's refusal to pay for the material so used, I think you would not be exceeding your authority should you make an arrangement with those from whom the building material was obtained by which they might take possession of it, even in its present form, and with such understanding as you may deem proper as to the effect thereof upon any supposed claim, moral or otherwise, which they may feel themselves entitled to as against the City.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 15, 1913.

In re Jurisdiction Over City Hall.

A. R. H. MORROW, Esq.,

Secretary of Committee on Finance.

DEAR SIR:—I am in receipt of your letter of yesterday, requesting, on behalf of the Committee on Finance, an opinion as to the power of Councils in connection with a resolution rescinding the resolution of May 16, 1912, "requesting the Board of Public Education to vacate its quarters in the City Hall on July 15, 1913, so far as it applies to the rooms at present occupied by it on the second floor," and stating that it is the desire of the Committee to know where the power to assign quarters in the City Hall is lodged.

Whether or not Councils have control of the assignment of quarters in City Hall, those bodies would have power to rescind the resolution of May 16, 1912, for if they have no such power, that resolution would be ineffective and should be rescinded, but if Councils have such power, their control of the subject is plenary and they might, of course, repeal the earlier resolution passed by themselves.

In reply to the more general question, where the power to assign quarters in the City Hall is lodged, I beg to advise you that City Hall was erected under the provisions of the Act of August 5, 1870 (P. L. 7871, 1548), under which a number of citizens were constituted Commissioners for the erection of the Public Buildings "required to accommodate the courts and for all municipal purposes in the City of Philadelphia." The Commissioners were authorized to enter into contracts for the purpose and to make annual requisitions upon Councils for the required funds, and Councils were required to levy taxes to meet such requisitions.

By Act of May 24, 1893, an abortive attempt was made to repeal the Act of 1870. The Act of 1893, however, was held unconstitutional in the case of *Perkins vs. Philadelphia*, 156 Pa. 533, among other reasons, because it attempted to place the control of the buildings in the Department of Public Works, which the Court held amounted to the substitution of a second commission for the one attempted to be abolished and to be therefore in violation of the Constitution. The Court, speaking through Mr. Justice Dean, said:

"By a repeal, the extraordinary powers of the Commission would have ended with its own life; the ordinary powers would have fallen back upon the City to be exercised in the ordinary manner; the Department of Public Works would have performed such work and only such as Councils, in the exercise of their paramount direction, control, and administration of municipal affairs might have been fit to direct. Under the Bullitt Bill, the Department of Public Works can only take through the City;

if the powers of the Commission had passed to the City, the Department, as such, would have taken nothing; the direction of the actual labor would have been with it, by virtue of being one of the nine subdivisions of the executive power of the City."

And Mr. Justice Mitchell, who dissented from the majority of the Court, stated his views in these terms:

"The designation of the Department of Public Works is merely the naming of that branch of the City Government to which the Act of 1885 would commit the subject, had the present Act briefly repealed the Act of 1870 without more. The transfer of the powers of the old Commission to the Department of Public Works is a transfer to the office, not to the incumbent, and is therefore really to the City of whose government the office is a part. The naming of the agent instead of the principal is not material, because the whole scope of the Act shows that it is not a grant of power to the agent individually, but to him as agent and representing the principal. This conclusion is plain from the fact that, if all this part of the statute had been omitted, the result would have been exactly the same. The existing law, the Act of 1885, would in that case have transferred the power to the same place where this Act expressly puts it, namely, the Department of Public Works. At most, this part of the Act is surplusage, and should not be allowed to vitiate the whole."

It was suggested in the opinion of the majority of the Court that an Act simply abolishing the Public Building Commission would be free from the objections to which the Act of 1893 was open and would be effective for the purpose in view. Accordingly, the Act of May 11, 1901, (P. L. 159), which followed the form suggested in the Perkins case, was passed. By the passage of the repealing Act of 1901, the control of the Public Buildings was transferred to the City and the administrative supervision thereof rested in the Department of Public Works, by

virtue of the provisions of Article IV of the Bullitt Bill, and therefore the ordinance of June 26, 1901, page 205, was passed, placing the maintenance, caretaking and construction of the City Hall in charge of the Bureau of City Property, which, however, at that time was attached to the Department of Public Safety, and not, as it should have been, to the Department of Public Works. This anomaly has perhaps by implication been recently corrected in the appropriation ordinances for 1913, which makes the appropriations for the Bureau of City Property to the Department of Public Works.

The control of the Public Buildings, which the Act of 1901 and the ordinances above referred to have given to the Department of Public Works, is for administrative purposes only, and relates to the maintenance, caretaking and construction of the buildings. The disposition, use and occupancy of them relate to a broader field of power. City Hall was erected with the money of the City furnished by the proceeds of taxation levied by Councils. Those bodies are the real directors of the municipal policy, and ultimately it is for them to decide questions which are in their nature legislative or fundamental. Roughly, we may say that there is a fairly close analogy between the functions of the City Councils as compared with those of the Mayor and other executive officials, and those of the board of directors of an ordinary corporation and the president and executive officers thereof. It pertains to the former body to lay down directions as to the policy of the corporation, which it is the duty of the executive officers to carry into effect. So the executive officials of the City are concerned with the details of administration, and the Bullitt Bill, in prohibiting interference by Councils with those Departments of the City Government, meant only that Councils must not inject themselves into the routine of administration, leaving to them, however, the determination of all those larger questions which are apart from and unconnected with the details of the executive management.

In the case of *Bailey vs. Philadelphia*, 184 Pa. 594, which was concerned with the right of Councils to lease

the City Gas Works, the contention being made that this was a prohibited interference with the executive functions of the Departments, the Court, per Mr. Justice Mitchell, said, after citing the pertinent provisions of the Bullitt Bill (pages 603 and 604):

“These provisions do not take away nor in any degree lessen any municipal authority previously lodged in the City, still less any merely business corporate power. They merely regulate the operation of its executive and legislative functions as to such public property of the enumerated classes as the City may at any time have. The prohibition to Councils in Article 16 is against interference with ‘the exercise of the executive functions’ of the Departments.”

The question of assigning the occupancy of the various rooms in City Hall for municipal purposes is not so markedly a question of legislative policy as is that of the lease of the City Gas Works. Nevertheless, I think it is in its essential nature one of those question which are not concerned merely with executive administration, but which Councils have the right to determine, provided they do not transgress the limits laid down by the Act of 1870 with respect to the purposes for which the Public Buildings are directed to be constructed. Those buildings are the property of the City, and the ultimate authority to determine as to the use and occupancy thereof within proper statutory limits is one which inheres in the legislative branch of the City Government.

For these reasons, I think that Councils have the right, in the last instance, to determine how the room in the Public Buildings is to be apportioned among “the courts and for all municipal purposes in the City of Philadelphia,” for the accommodation of which the Act of 1870 directed that such buildings were to be erected.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 15, 1913.**Theft of Money Paid for Support of Relatives.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of this date, in which you state that certain sums of money sent by mail to your Department under various support orders have been abstracted from the letters by a clerk in your Department; that the total amount of such abstractions is unknown but is believed to be in the neighborhood of \$250. It is further stated that there is in bank to the credit of the Department an interest fund of approximately \$1,000, accumulated upon a general balance of money paid into the Support Department, which interest you say “really does not belong to the City and could not be divided among the thousands and thousands of cases receiving support.” It is suggested that resort be had to the latter fund to make up the sum taken by the clerk, who has been held for trial and who admits his guilt.

The course proposed is scarcely regular, and if the interest money cannot be divided among those receiving support it would seem to follow that it does belong to the City.

For your personal protection I would recommend that before using the money in this manner you have an ordinance passed conferring upon your Department the necessary authority.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 15, 1913.**In Re Water Bills—Meter Rating.*

HUGH BLACK, ESQ.,

Receiver of Taxes.

MY DEAR SIR:—I am in receipt of your letter of this date with respect to the confusion which has arisen by reason of the inability of consumers of water to obtain bills in cases where you find the water rents noted as being subject to meter rates.

You inquire:

First.—What is to be done where a bill is requested and where a schedule rating charge is made in accordance with the information which your Department has and the owner of the premises objects to such charge on the ground that a water meter has been installed and the charge should be reduced.

Second.—What position shall be taken where a man comes for a bill and is chargeable on your books for meter rates when, as a matter of fact, he has no meter installed; and

Third.—Whether the penalty which will accrue on May 31st should be exacted where a bill is not paid because the property owner is unable to obtain it.

This Department has conferred with the Water Bureau in order to ascertain how this state of confusion has arisen, and we are informed that the appropriation for installing meters is exhausted, and property owners have been notified that they must themselves pay the cost of such installation. In the meantime, through a misunderstanding in supposing that the meters would be immediately installed, the charges have been noted as under meter rating.

As to the first case—where a meter has actually been installed, but you have no notation to that effect, I am

informed by the Water Bureau that between now and the twentieth of this month a full list of such instances will be sent to you, together with the amount of schedule rating, if any, which is due, or the fact that the schedule rating should be stricken out and meter rating charged for the entire year. The amount so chargeable under meter rating will be made known to you by that Bureau hereafter.

Under your second heading, to wit, where a man is chargeable on your books for meter rating, when as a matter of fact he has no meter installed, you will likewise be notified of such cases by May 20th, and if no meter has then been set, the full schedule rating for the year should be charged.

Where uncertainty exists under either head, therefore, and bills are called for between now and May 20th, the applicant should be told that the bills cannot yet be made up and should be requested to call after the 20th of May, or to leave a stamped and addressed envelope.

Where application has already been made and bills refused to be given for this reason, unless the person applying for the bill has been told to call again, I would recommend that if a list of such cases has been kept every effort should be made to see that a proper bill is rendered before the end of the month; and with that purpose in view, it would be advisable for your Department to confer with the officials of the Water Bureau.

As you suggest, it would be most unjust to inflict a penalty upon persons who stand ready and willing to pay their bills before the time at which the penalty is chargeable, but are unable to do so through no fault of their own but through the confusion arising in the administration of the affairs of the City. In such cases, I think that the provisions of the Ordinance of July 9, 1897, should be invoked and the penalties remitted under authority conferred upon the Bureau of Water by the final clause of that ordinance, which, after providing methods of settlement in a number of designated cases, further provides that "all claims not fully met by the foregoing are to be

adjusted by the Department in such manner as it may deem just and equitable."

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT,

Philadelphia, May 17, 1913.

In re Bonding of Employees.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter under date of May 15th, from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring whether there remains any reason for exacting bonds of the Assistant Engineers, formerly Assistant Commissioners, in that Bureau, as provided by ordinance of December 23, 1874.

The Chief of the Bureau indicates his view that such bonds should no longer be required because the name of the employees has been changed from Assistant Commissioners to Assistant Engineers, because they do not handle money nor do their duties require them to finally pass on any payments, being purely of an engineering nature, and because the ordinance of 1874 antedates the Bullitt Act. I do not think that any of these reasons is adequate to authorize the executive officers of the City to dispense with a requirement of this character made by Councils. The condition of the bond is that the appointee shall faithfully perform the duties appertaining to his office as defined by law and ordinance, thus having no relation to the handling of money. It may be that the requirements of this ordinance are obsolete, but if that be so,

the attention of Councils should be called to the situation, with a request that the ordinance requiring the giving of these bonds be repealed or modified.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 19, 1913.

In re Appropriation to Purchase Coal for Armories.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—Relative to your inquiry of the 17th inst., with respect to the use, for the benefit of the City Armories, of a part of the appropriation to the Department of Supplies for your Department for fuel, it appears that heretofore there has been a separate appropriation for the heating of the armories, amounting in 1912 to \$3,025. This year no such appropriation has been made, but there is a lump appropriation to the Department of Supplies for "Public Works, Item 2, fuel \$360,000." You state the amount to be \$364,050, but whether that is a clerical error or whether there is some other appropriation making up the difference, to which my attention has not been called, I am not sure.

You say that a part of this appropriation is now being diverted to the armories, and that:

"This seems to me like an unwarranted procedure. In the first place, you will see there is no check on the amount, and it does not seem to me like good practice to allow Departmental and Bureau officials to decide how far Councils intended to have monies used for what must be considered semi-private undertakings."

As the appropriation for the use of your Department has not been itemized, you are entitled to act upon your own judgment in distributing it in such proportions as you deem proper. The lump appropriation for 1913 is doubtless intended to cover those appropriations which theretofore were distributed by items to the various Bureaus. Whether it is also intended to include the appropriation made in previous years for the armories is not quite clear to me, but even if it be so, as already stated, the generality of the appropriation allows you ample latitude to decide how much of it shall be used for any purpose to which it was intended to apply.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 20, 1913.

In re Overpayments on Liquor License Fees.

MURRELL DOBBINS, Esq.,
City Treasurer.

DEAR SIR:—I beg to acknowledge the receipt of your letter of even date enclosing communications from J. G. Gordon Forster, Esq., in relation to certain alleged overpayments in the matter of liquor license fees, and inquiring what course should be pursued by you.

In view of the fact that the communication from Mr. Forster contain threats of suit for the alleged overpayments, I advise you to decline to comply with the demand made in said communications, and to await whatever action Mr. Forster sees fit to take in the matter.

As it is probable that suits will grow out of the con-

troversy, I shall take the liberty of retaining the communications which you have sent me, and will await further advice from you.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 20, 1913.

Contract With Architect for Construction of Various Buildings.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Permit me to acknowledge the receipt of your letter in reference to certain contracts between the City of Philadelphia and Philip H. Johnson, Architect, for the supervision of the construction of various municipal buildings and for his professional services appurtenant thereto.

Two of the contracts about which you inquire are dated respectively March 31, 1903, and October 7, 1911, the first being for services to be rendered with regard to the Hospital for the Indigent, the Philadelphia Hospital for the Insane, the Philadelphia General Hospital for Surgical and other cases, and the Municipal Hospital for Contagious Diseases; and the second for like services at the Institution for the Feeble Minded.

The first of these contracts was entered into by virtue of the ordinance of March 21, 1903, which provided that the President of the Department of Charities and Correction and the Director of Public Safety should be authorized to employ an architect to draw the plans for and supervise the erection and construction of the buildings named, and authorized the Mayor to enter into a contract on behalf of the City with a competent architect to be

selected as above stated, to draw plans for and supervise the construction of the said buildings "until the said buildings are completed and ready for occupancy, upon such terms and conditions as to commissions as is usual in such cases."

The contract of October 7, 1911, was executed under authority of the ordinance of October 6th of that year, which authorized the Director of the Department of Public Health and Charities to employ an architect, and the Mayor to enter into a contract with him, in similar terms with respect to the Institution for the Feeble Minded as the ordinance of 1903 had used as to the buildings to which it referred.

The inquiries you make with respect to these contracts, and the work to be done under them, involve generally the questions whether their legality is not open to attack because they confide the supervision of the construction of municipal buildings to a Department other than your own, and whether the ordinance of 1903, upon which one of them was founded, is not illegal because it does not contain an appropriation to cover the expenditure which the contract would require the City to make. The specific questions which you ask will be taken up later in this communication.

In regard to the first of the above stated subjects of inquiry, Section 1 of Article 4 of the Act of June 1, 1885 (Bullitt Bill), places within the control of the Department of Public Works the construction, protection and repair of public buildings and structures of every kind for public use, except those used for educational or police purposes; and the ordinance of December 30, 1886, passed to carry the Bullitt Bill into effect accordingly gave the control of the construction of City property to that Department. By the later ordinance of March 22, 1888 (p. 191), a change was made in this respect and the Bureau of City Property which was charged with the supervision and control of public buildings was made a subordinate Bureau of the Department of Public Safety, and thereafter was treated by Councils in all respects as a division of that Department. By executive action in the year

1912, the Bureau of City Property was treated as if it were a Bureau of the Department of Public Works and not of the Department of Public Safety, and Councils in making the appropriations for the year 1913 to that Bureau classified it under the appropriations to the Department of Public Works, thus giving their sanction to the action of the Mayor in regarding the Bureau of City Property as attached to the Department of Public Works. In the meanwhile, however, ever since the passage of the ordinance of 1888 the functions of the Bureau of City Property were considered by Councils as pertinent to the Department of Public Safety; all appropriations were made to it as under that Department and all things directed to be done by it were so designated. It is probable that for this reason the ordinance of March 21, 1903, in providing for the appointment of an architect to supervise the construction of the Hospital for the Indigent and other buildings therein provided for, joined the Director of the Department of Public Safety with the President of the Department of Charities and Correction in the selection of the architect.

In the recent case of *Wakelin vs. Philadelphia* 21 D. R. 39, which was concerned with the legality of the erection of a Convention Hall in Fairmount Park, the Court of Common Pleas No. 5 of this County in passing called attention to the above cited provision of the Bullitt Bill and to the irregularity of employing an architect who is not a City officer, and committing to him the supervision of the construction of a municipal building independent of the control of the Department of Public Works. The decision of the Court, however, was not based upon that point, and when the present Convention Hall came to be erected another architect was chosen by the Mayor to whose charge the erection of that building was committed.

In the case of *Potts vs. Philadelphia*, 195 Pa. 619, it was held by the Supreme Court that when a contract with the City of Philadelphia has been, or is about to be, signed by the official whose duty it is to act for the City, the fact that the preliminary arrangement with respect to such contract had been supervised by the wrong Department,

constitutes a mere irregularity which would not affect the legality of the new contract or prevent the execution thereof, and a similar ruling was made in the case of *Philadelphia vs. Gorgas*, 180 Pa. 296.

The relations to the City of one who has signed a contract is to the municipality as a whole, and he is not concerned with the Bureau or the Department to which the control of the matter has been given, provided that the contract itself be not in violation of law. As against such a contractor occupying an adverse position to the City, I do not believe it would be open to the latter to dispute the validity of the contract upon the ground that the control or supervision of the work to which it relates pertained to one Department of the City government rather than to another such Department.

The contract of October 7, 1911, was, you state, preceded by a sufficient appropriation, but the contract of March 31, 1903, which has already extended over a period of ten years, and may continue for many years longer and which has involved and will involve the expenditure of very large sums of money, was not based upon an existing appropriation, at least not a sufficient one. The policy of entering into such a contract on the part of the City is open to very serious question. The act was done, however, at the instance of Councils and by the co-operation of the Mayor and the other executive officials of the City who were charged with the duty of choosing the architect to be employed, and the question which confronts us is how far the City would now be legally justified as against the contractor in disregarding the contract, and more especially, whether this can be done by the head of one of the executive departments without councilmanic direction.

The requirement that the contracts of the City shall be preceded by a sufficient appropriation is embodied in various statutes. The Act of April 21, 1858, Section 5 (P. L. 386), provides that no contract shall be binding upon the City of Philadelphia unless by law or ordinance and an appropriation sufficient to pay the same be previously made by Councils. This act was held in *Tatham's*

Appeal, 80 Pa. 405, and in *Ogden vs. City*, 41 L. I. 174, to be prohibitive upon the departments only and not as against contracts distinctly authorized by Councils. The Act of June 11, 1879, Section 3 (P. L. 131), was broader in its scope and prohibited the making of any contract by the City or any officer or employee thereof "without a previous appropriation has first been made by the said Councils." By Article 14, Section 1, of the Bullitt Act, page 51, the liability of the City under contracts was "limited by the amounts which shall have been or may be from time to time appropriated for the same."

The effect and purpose of the Act of 1879 have on various occasions been the subject of consideration by the Courts, one of the most recent of the cases being that of *Bullitt vs. Philadelphia*, 19 D. R. 1091. The intention of these statutes is to keep the City from incurring debt without providing the funds to discharge it. It may be conceded that the contract of 1903 does not itself provide for the payment of a definite compensation to the architect but makes that compensation dependent upon subsequent contracts to be entered into with builders for the erection of the several structures; and that the commission of the architect is a percentage of the price to be paid to the said builders, and no claim can arise against the City by virtue of the contract with the architect until the contracts for the erection of the buildings are entered into subsequent to an appropriation for that purpose and out of which appropriation the architect's commissions are to be paid. It may therefore be contended that this legislation is not applicable to a contract not by its terms calling for a present liability to be incurred or expenditure to be made by the City in order to satisfy its requirements, which on the contrary, are contingent upon the making of further contracts the appropriations for which will include that necessary to support the original contract. Nevertheless, in my judgment, such a contention cannot be sustained. A contract, like the one in question, extending far into the future, involving great and undetermined sums, and mortgaging in advance the appropriations to be thereafter made for these necessary civic

undertakings, offends in spirit, as it certainly does in letter, against the wholesome restrictions of the Act of 1879, and to bind the City by such a contract is not therefore legally within the power of the municipality as a whole or of any branch of its government.

Taking up your questions separately, you ask: First—on what grounds it was necessary for Councils to authorize such an administrative detail as the employment of an architect to superintend the construction of plants of this size and character. The motives which induced Councils to take this step are not stated. Doubtless they felt it necessary to employ an architect because of the number and character of the buildings to be erected, and they probably joined the Departments of Health and Charities and of Public Safety in the selection of such an architect because the head of the former Department was supposed to be especially familiar with the requirements of these buildings, and the latter Department was that to which the Bureau of City Property was attached.

In your second and fifth inquiries you ask in substance whether your Department is entitled to have supervision of the construction of all buildings erected by the City except for educational or police purposes, and that therefore, any legal contract for architectural services now outstanding between Mr. Johnson and the City should be supervised by your Department; and whether, if the contracts were warranted by law you are justified in allowing work already started to be finished under them. As above stated, the Bullitt Bill provides for the construction, supervision and control of municipal buildings by the Department of Public Works. Councils have, however, seen fit to direct that other Departments should select the architect for the doing of this work, and have made the appropriations accordingly. Until such appropriations have been transferred to your Department it is not easy to see what action you, as the head of that Department, might take, except a negative one. I think the proper course for you to pursue in this conjuncture would be to bring the matter to the attention of Councils and request the passage of a proper ordinance or ordinances to

effect the purpose which you have in view to bring the work under the control of your Department.

Your third question is, whether the only contract between the City of Philadelphia and Mr. Johnson which is binding, is that of October 7, 1911, with respect to the Hospital for the Feeble Minded, because that contract was preceded on July 21, 1911, by an appropriation for the erection of the building. There is a further distinction between that contract and the one of 1903 in that the State appropriation Act of June 15, 1911, specifically requires that the plans for the buildings for the Institution for the Feeble Minded, toward the erection of which the Commonwealth has contributed \$200,000, and the expenditure of the money so appropriated shall be under the direction of the Department of Public Health and Charities of this City.

The other aspects of your third question may be properly answered in so far as they have not been already answered, under the fourth inquiry, which is, whether the retention of Mr. Johnson as the architect for the Hospital for the Indigent, the Hospital for the Insane, the General Hospital for Surgical and other cases and the Hospital for Contagious Diseases, as provided for by the contract of March 31, 1903, is invalid because of the lack of a preceding appropriation on which that contract should have been based.

The legal point of view with respect to this question has already been sufficiently developed. The facts appear to show that as to the Hospital for the Indigent the first appropriation was made on May 26, 1903, to the Bureau of Charities in the sum of \$200,000, being transferred by Ordinance of March 22, 1905, to the Bureau of City Property and re-transferred to the Bureau of Charities by ordinance of March 4, 1907. A further appropriation for the Home for the Indigent was made June 27, 1904, to the Bureau of City Property and subsequently transferred to the Bureau of Charities, all of the appropriations for this institution thus post-dating the ordinance of March 21, 1903.

The first appropriation of the Hospital for the Insane

was made by ordinance of December 27, 1902 (page 357), Item 29, being to the Bureau of Charities in the sum of \$100,000. By Item 15 of an ordinance approved December 29, 1902, page 380, an appropriation of \$150,000 was made to the Department of Health and Charities (Bureau of Health) for a Municipal Hospital for Contagious Diseases which was afterwards transferred to the Bureau of City Property and retransferred to the Bureau of Health. No appropriation seems to have been made by name for the Hospital for Surgical and other cases, though an appropriation of December 27, 1902, for six pavilions for consumptives was, I believe, for buildings which are, or were, intended to be a part of that hospital.

Such of the appropriations above referred to as preceded the contract of March 31, 1903, were used as the basis of contracts with other builders which also antedated Mr. Johnson's contract of that date. Hence, while not literally accurate in stating that there was no anterior appropriation as to any of these buildings, yet for the purpose of your inquiry that statement is substantially correct.

Your sixth question is, whether there is any way in which work already started can be separated from that which has been planned or begun, and whether work not yet initiated must not be done under the auspices of your Department.

Legally the contract with Mr. Johnson takes effect as a whole, but that for certain practical purposes there may be a distinction between structures like that, for instance, of the Hospital for the Indigent, which, I believe, is from 80 to 85 per cent. finished, and buildings which have not yet been planned or begun, is undoubted.

The intendment of the Act of Assembly, as has already been stated several times, is that all municipal buildings other than those excepted by the statute, are to be constructed under the supervision and control of your Department. Confusion and a disregard of the requirements of the law has resulted from Councils having appropriated funds for this purpose to other Departments and made provision for such other Departments to have supervision

of the work. This should be corrected, and while some difficulties would probably exist in making the change as to buildings already planned and partly finished, the way would be clear with respect to buildings neither planned nor begun, and in the latter case the necessary transfer of appropriations, should they have already been made, and the other councilmanic action necessary to place the supervision of the construction of these buildings where it belongs—that is to say, in your Department—should, I think, be taken. When this is done you would be justified, I think, in refusing to recognize the contract of 1903 as being applicable to such new work.

You also ask for similar information with respect to the contract between the Board of Recreation and Mr. Johnson. That Board was created by Act of June 9, 1911 (P. L. 739), which in Section 4 gave to it authority to “create, organize, manage and supervise the various playgrounds, recreation centers, municipal floating baths, bathing grounds and recreation piers” which might then or thereafter be established. This act being later than the Bullitt Bill would modify the latter, if their provisions were in conflict. The intent of the Act of 1911 seems to be that the Board of Recreation shall not only be placed in control of playgrounds and the like amusement centers after their construction or adoption, but that in the entire planning and creation thereof its authority and supervision shall prevail.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 20, 1913.

*In re Proposed Ordinances Authorizing Purchase of
Wharf Property Belonging to Knickerbocker Ice Co.
and to Pennsylvania Railroad Co.*

ARTHUR R. H. MORROW, Esq.,
Secretary of Committee on Finance.

DEAR SIR:—I acknowledge the receipt of your letter of the 14th inst., in which you state that you are directed by the Committee on Finance to forward to me two proposed ordinances by the terms of which it is proposed to purchase wharf property belonging respectively to the Knickerbocker Ice Company and to the Pennsylvania Railroad Company, and in which you ask:

First.—Whether or not these ordinances furnish a proper and legal method of acquiring City property; and

Second.—That I furnish any opinion that may be in my possession, indicating whether the prices suggested are fair and reasonable.

In order that I might answer fully, I requested a further report upon the subject of prices from Henry John Gibbons, Esq., of the Road Bureau of this Department, who has conducted the litigation in the matter of the widening of Delaware avenue, and who is entirely familiar with such values. I send you herewith his reports, both upon the Pennsylvania Railroad property and the Knickerbocker Ice Company property. I commend them to your earnest consideration. You will read therein that the price of \$800 per foot suggested to be paid the Pennsylvania Railroad Company for its 448 feet of frontage, he regards as fair, but that the variable price for the adjacent property of the Knickerbocker Ice Company of a minimum of \$100,000 and a maximum of \$150,000 (that is nearly \$1,000 to \$1,500 per foot) for 107 feet front, he regards as grossly improper, and believes that the maxi-

imum value of the Knickerbocker property should be fixed at \$100,000, and that the fair and proper price would be not more than \$700 per front foot. In support of his statement, he marshalls not only his own arguments, but he presents a summary of the sworn evidence of the Knickerbocker's own witnesses and paid experts taken before the Road Jury in the claim for damages, wherein two witnesses place \$108,000 and another witness places \$100,000 as their maximum of value before the widening, and these experts, as every member of Councils will readily understand, have every tendency, if not to exaggerate, to under no circumstances minimize their client's claim.

In further compliance with your request, I send you correspondence between this Department and the Department of Wharves, Docks and Ferries in relation to this subject and in which these disparities in price have been pointed out.

As pointed out in Mr. Gibbons' communication, the proposed method of arbitration has many features which are objectionable and unwise—though not unlawful. The proposed purchase outright is in accordance with law and Councils have the power to so order it.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

P. S.—I send you herewith the following:

1. Reports of the Committee on Commerce and Navigation, dated April 7, 1913, and the original ordinances—all of which you sent to me.
2. Letter of Henry John Gibbons to me, under date of May 19, 1913, referring to the Knickerbocker Ice Company purchase.
3. Letter of Henry John Gibbons to me, under date of May 19, 1913, referring to the Pennsylvania Railroad Company purchase.

4. Copy of letter of Henry John Gibbons to George W. Norris, Director, under date of December 17, 1912.

5. Copy of letter from George W. Norris, Director, to Michael J. Ryan City Solicitor, under date of December 4, 1912; and Mr. Ryan's reply thereto, dated December 6, 1912.

6. Copy of letter, dated January 24, 1913, from the City Solicitor to Mr. Norris.

7. Copy of letter from George W. Norris, Director, to Michael J. Ryan, City Solicitor, under date of January 25, 1913; and reply of Mr. Ryan thereto, dated January 28, 1913.

LAW DEPARTMENT.

Philadelphia, May 21, 1913.

In re Payment for Gas Furnished the State Fencibles' Armory.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 17th inst., in reference to an appropriation of \$4,450 in Item 3-F of the Annual Appropriation for 1913 to the Bureau of City Property for gas light for military organizations. The several armories are owned by the military organizations themselves, except that of the State Fencibles, which is owned by the City and let to that battalion at a nominal rental of \$10 per year. In view of this fact and of the provisions of Clause 10 of the lease of the gas works to the United Gas Improvement Company, which provides that said company shall supply gas to the public buildings of the City along the lines of its mains without charge, you inquire whether you would be justified in counter-

signing warrants drawn in payment for gas furnished the State Fencibles' Armory.

You will note that the proviso to the appropriation ordinance concerning which you inquire, specifically mentions the State Fencibles and provides that the amount to be allowed to it shall be \$150. This is in continuation of the practice which has prevailed ever since the lease of the gas works has been in effect. Year after year an appropriation has been made for "lighting for military organizations," differing from time to time only in amount and differing from the appropriation of 1913 in the fact alone that electric lighting and gas lighting were formerly grouped together as one item, and each year the State Fencibles' Armory has been designated among the others. I think this amounts to a contemporary and continuous interpretation of the contract with the United Gas Improvement Company, in accordance with which you would be justified in accepting the appropriation of Councils as binding upon the executive departments of the City, and therefore in signing the necessary warrants.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 21, 1913.

Construction of Contract with Wayne Contracting Company as to Kind of Lumber to be Used.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—Your letter, stating that a question has arisen under the contract of the Wayne Contracting Company and the City of Philadelphia, of November 27, 1911, has been received.

The question relates to the wood rafters used in "Build-

ing D" of the Home for the Indigent, to which that contract relates. That specification provides that "all lumber for rough carpenter work, as above specified, shall be spruce or yellow pine, unless otherwise specified. The lumber shall be of merchantable inspection." The rafters now in place are "short-leaf yellow pine," and the question you ask is whether under the specifications such lumber should not be "long-leaf yellow pine." In this connection you say:

"Yellow pine, in the trade, has certain grades of inspection. For example, in long-leaf, the first quality is 'prime;' the second, 'merchantable,' and the third, 'standard.' Short-leaf yellow pine is generally graded as 'No. 1' and 'No. 2,' and the words 'merchantable inspection' are not used in connection therewith."

On the facts thus set forth by you as to the meaning of the specification, which is all that is before this Department on the subject, it would seem that long-leaf yellow pine was required to be used.

You further state that the roof over these rafters is in place and slated.

What steps should be taken with reference to this fact appear by Sections 13 and 14 of the Specifications (pages 5 and 6), to be left to the decision of the architect, and unless those provisions are modified by some other portion of the voluminous specifications to which my attention has not been called, his decision upon the subject is made final.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 22, 1913.**Draft of Resolution Authorizing Use of Accumulated Interest.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of a letter from the Acting Director of your Department, enclosing a proposed form of resolution of Councils to authorize the use of part of accumulated interest on funds deposited by him, to make up the loss occasioned by the dishonesty of a clerk in your Department.

I have slightly recast the form of the resolution, giving it a title, and have omitted the final preamble, which appears to be unnecessary. As so modified I herewith return draft of said resolution.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 22, 1913.**Regulating the Placing of Alleged Newspapers, etc., on Doorsteps.*

CYRUS D. FOSS, Esq.,

Secretary to the Mayor.

DEAR SIR:—I herewith return draft of a proposed ordinance supplementary to the ordinance of September 23, 1864, relating to nuisances, which has been prepared to prevent placing upon doorsteps, etc., pretended newspapers which are really not such, and circulars, etc., merely addressed "To the Lady of the House," and the like.

The ordinance in the form in which it is sent me seems entirely adequate and proper, and I have no change to suggest, unless possibly the requirements that both the name and address must be upon circulars, envelopes, etc., is somewhat too severe. If the Mayor concur in this suggestion, the present wording might be changed to "addressed circulars, envelopes, wrappers or cards having written or printed thereon the name of the occupant of the premises where said circular, envelope, wrapper or card may have been cast or placed."

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 22, 1913.

Legal Amount of Open Space for Dwelling Houses.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of an inquiry from the Chief Engineer and Surveyor, approved by the Assistant Director of your Department, whether, in accordance with law, houses may be built of a width of 16 feet and a depth of 32 feet upon lots 40 feet deep to a 2 foot 6 inch wide alley, the contention being that the 128 square feet of open space thus left upon the lot may be supplemented by taking into account the measurement from the rear of the lot to the middle of the alley.

Section 28 of the Act of May 5, 1899 (P. L. 205), provides that "every dwelling shall have an open space attached to it in the rear or at the side equal to at least 144 square feet clear space unobstructed by any overhanging structure."

The earlier Act of April 21, 1855, had provided sub-

stantially the same requirement, to wit, that an open space of at least 12 feet square should be attached to each house. Under the Act of 1855 it was held that an open space equal to 12 feet square must be an integral part of the curtilage completely and perpetually devoted to that use: *Zimmerman vs. Heid*, 19 Phila. 341; and I believe the interpretation of these Acts has been uniform in requiring that the space of 144 square feet must be actually attached to the building as a part of the lot upon which it stands. I am therefore of opinion that the contention of the builder of the proposed houses cannot be sustained.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 22, 1913.

*Repairs to Premises No. 2250 North Howard Street
Under Lease.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication from the Assistant Director of your Department, relative to lease of premises No. 2250 North Howard street, and requesting an opinion whether the reimbursement of the owner, which the lease calls for, should be made by payment to him for the cost of restoring the premises to their former condition, to be based on at least three estimates obtained by the City, or whether a contract should be let by the City to perform this work and payment be made to the contractor. The owner furnishes an estimate of which the total amount is \$195.

From the copy of the lease enclosed I find that Section 11 provides as follows:

“In consideration of the special purposes to which the said dwelling is to be put or used for, namely, as an office, it is hereby expressly agreed and understood that the said leasee will return unto the lessor the paints and papering undamaged, or in default thereof, to pay to the lessor the cost of restoring them.”

This refers only to the restoration of the painting and papering, and under it it would appear that the work was to be procured by the owner of the house and the City to reimburse him the cost thereof. The estimate, however, includes other work than painting and papering and as to which no claim could be made against the City unless in pursuance of the third section of the lease, which is to the effect that the City shall replace or repair any electric fixtures or wiring that may be damaged or broken, and at the termination of the lease deliver the premises to the lessor in as good order and repair as the same now are, reasonable wear and tear and damage by accidental fire excepted.”

Under this clause it would seem in the first instance to be the City's duty to have the work done, if any such work is really required at all.

I note that in his letter to you the representative of the owner says: “Will you kindly notify the owner, in writing, if there will be any delay in receiving this reimbursement, or if there be any other way of cleaning up this matter to more satisfaction mutually.” This would seem to indicate a willingness to adopt any method of repairing the damage either by the City or by the owner himself, and that the City reimburse him for the outlay, and I do not think there is any legal objection to the adoption by you of either plan, so long as you are reasonably sure that the City is not being imposed upon.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 22, 1913.

In re Act Affecting the Office of Fire Marshal.

CYRUS D. FOSS, Esq.,

Secretary to the Mayor.

DEAR SIR:—I herewith return copy of House Bill No. 1444, concerning which you state the Mayor desires to be advised to what extent this proposed bill affects the operations of the Fire Marshal's office of Philadelphia, and particularly whether it repeals the existing Acts of Assembly under which the Fire Marshal's office in Philadelphia is conducted.

The bill is a proposed amendment of various sections of the Act of June 3, 1911, establishing the office of State Fire Marshal. The most significant change with respect to the purposes of your inquiry is the repeal of Section 14 of the Act of June 3, 1911, which provides that that Act should not be construed to repeal the Act of April 18, 1864, relative to Allegheny County, and also provides that "it is hereby further declared to be the true intention and meaning of this Act that the same shall not apply or be operative in any city or county of this Commonwealth where, under existing laws, whether special or general, the position and duties of a Fire Marshal are provided for."

The proposed Act also amends Section 15 of the Act of June 3, 1911, so that instead of being a mere repealer of inconsistent legislation in the usual terms, it provides that "all Acts or parts of Acts, general, local or special, inconsistent herewith are hereby repealed."

I notice also that among the changes introduced in the pending bill that Section 12 of the former Act is amended so that fees are provided for services in cities of the first class, which did not appear in the original Act.

By another Act of 1911—dated June 8th of that year

(P. L. 705)—the office of Fire Marshal in cities of the first class was created, the duties of which are in large measure parallel with those of the State Fire Marshal, the activities of the former being, of course, confined to the cities in which they are established, or, in fact, to the City of Philadelphia.

The Act of June 3, 1911, was carefully framed so as to avoid interference with the functions of the municipal officer, and the effect of the present proposed amendments to that Act is to abolish those provisions which guarded against such interference. There may be no absolute inconsistency in requiring the same duties to be performed in this City by distinct officials—that is, by the City Fire Marshal and the State Fire Marshal—yet it is clear that such a condition would result in the duplication of official action and in great uncertainty and confusion in administering the provisions and requirements of the two statutes. For this reason it is probable that the Courts would find such inconsistency between the Act of June 3, 1911, as it would be amended by the pending bill, and the Act of June 8, 1911, that, in view of the sweeping repealer proposed, the latter Act would be held to have been abrogated. If such is not the intention of the Legislature, the new Section 15 as it stands in the bill which is now before it should be supplemented so as to read as follows:

“Section 15. All Acts or parts of Acts, general, local or special, inconsistent herewith are hereby repealed: Provided, however, and it is hereby declared to be the true intent and meaning of this Act, that the same shall not be held or taken to repeal the Act approved the eight day of June, 1911, entitled ‘An Act creating the office of Fire Marshal to be attached to the Department of Public Safety in cities of the first class; prescribing his duties and powers; providing penalties for violations of the provisions of the Act, and providing for the method of appointment, compensation and for the maintenance of his office.’ ”

It will be further noted that Section 3 of the old Act, as well as of this amending bill, makes the Chiefs of the local fire departments assistants to the State Fire Marshal. This did not affect Philadelphia so long as the Act did not extend to this City, but under the proposed change even though the new amendment should not repeal the Act of June 8, 1911, yet the Chief of the Fire Department here would be made subordinate to the State Fire Marshal.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 24, 1913.

In re Loan Money Authorized by a Vote of the People.

HON. RUDOLPH BLANKENBURG.

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 19th inst., inquiring whether loan money voted by the people for a specific purpose not needed therefor at the present time, may be used for another equally, if not more important, project.

You state that money is lying idle in the City Treasury drawing two per cent. while the City pays four per cent., and that if it could be transferred by an ordinance of Councils it would mean much to the City in several ways. You further ask whether such transfer would need be sanctioned by a vote of the people.

It has been several times decided by the Supreme Court of this State that money borrowed under authority of a vote of the people for a specific purpose, of which under the law notice was given to the electors and on the faith of which they empowered the officers of the City to borrow the money, cannot be diverted from the purpose for

which it was so borrowed, as that would be to perpetrate a fraud upon the voters.

In *Major vs. Aldan Borough*, 209 Pa. 247 (1904), our Supreme Court said:

“When, by an ordinance, the municipal authorities direct, in conformity to the constitutional requirement, the submission to a popular vote of the question of the increase of the indebtedness, the purpose for increasing it is distinctly set forth, and, in the notice of the election, this purpose again appears, and on his ticket the elector finds a brief statement of it and the amount of the increase, the borough council cannot, after the increase is authorized by a popular vote, so east, divert the money from the purpose for which they, in the first instance, declared it was to be used. In voting for the increase the electors have a right to assume, and vote accordingly, that their representatives will expend the money for the purpose for which they asked it. To permit them to do otherwise would be to permit them to practice fraud and deception upon their trusting constituents, and when an attempt is made by those in authority to so violate faith with the people, they will be halted by a chancellor. But such diversion of public moneys from the purpose for which they are raised must be substantial. Sound discretion must rest in the authorities in carrying out the purpose, and the mere adoption of a certain method in doing so, or making changes in the same, cannot be regarded as an unlawful diversion, if, in the end, the real purpose of the authorized loan is attained.”

An exception to this rule might arise from the necessities of the case, as for instance, if money were borrowed for a purpose which became impossible of fulfilment by a change of circumstances; or if the improvement were carried out with other funds or at a less cost than the amount borrowed to accomplish it. In any such case the money would be in the City Treasury and the bonds issued, and, as it would be impossible to return it to the lenders, the

use of such a fund under the direction of Councils for other legitimate and proper purposes would be lawful.

In this connection I may with propriety direct attention to the fact that a statement of the City Controller as of December 31, 1912, showed that out of the proceeds of various loans running from dates varying from January 13, 1896, to May 9, 1912, more than eight and a half million dollars (\$8,644,078.86) remained then unexpended and unallotted to any contract. Careful investigation may disclose that a considerable part of this fund may be available for present uses under the principles expressed in this opinion.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 24, 1913.

In re Balance Available for Free Library.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—Your letter in reference to the balance of \$785,414.25 available for the Free Library building has been received. I understand this balance to be the amount remaining from the loan of \$1,000,000 for a Free Library site and building, borrowed under ordinance of June 17, 1898, page 129—the other portion of said sum of \$1,000,000 having been used to purchase a site for the building under ordinances of April 8, 1911, page 122, and July 5, 1911, page 244.

You state that this balance is sufficient to start the building and finish the foundation, etc., up to the first floor, and you ask to be advised whether this money, which is lying idle in the City Treasury, can be used for erecting part of the building without waiting for further appro-

priations to finish it when more money may be available, it being very desirable that the building should be commenced.

The language of the ordinance asking the consent of the electors to the borrowing of the sum of \$1,000,000 for this purpose and submitting the matter to a vote was unusual. The authority of the people was sought to borrow "one million (1,000,000) dollars for a library site and building provided not more than one million dollars shall be expended by the City in payment for site and erection of buildings." On this condition, of which notice was given to the people, their consent to the incurring of the debt was obtained, and accordingly when Councils authorized the borrowing of the money, the same form of words was used and the Mayor of the City was authorized to borrow the sum of \$1,000,000 for a library site and building, with the proviso that not more than one million dollars shall be expended by the City Government for site and erection of building.

The question now arises whether the balance of this fund can be used in the partial completion of the building, leaving it to be finished with other funds to be hereafter provided when they shall become available.

In the case of *Wakelin vs. Philadelphia*, 21 Dist. Rep. 39, wherein the people voted to authorize the increase of the debt of the City "for the erection of a Convention Hall, \$1,500,000," the Court in interpreting these terms said:

"Any one reading this language would understand that a Convention Hall was to be erected for that amount, and not that that amount would merely cover the cost of the foundations of the Convention Hall upon which it would be necessary to expend the further sum of three million dollars."

The peculiar phraseology of the ordinances of 1897 and 1898 above referred to even more clearly and distinctly than the ordinance which was construed in *Wakelin vs. Philadelphia* indicated a purpose on the part of the City authorities and of the people who granted the right to

borrow the money, that the sum so authorized to be borrowed should cover the total cost of the improvement, and if the question were raised, I fear the City would be precluded from erecting a Library building by the use of this fund, unless the entire cost of the site and building could be brought within the limit of one million dollars. I appreciate the fact that this condition may seriously hamper the City in building this much needed institution, and of course the people themselves could remove the restriction, as for instance, by voting for a further loan to supplement the fund to be expended for a library; but to proceed to use the money at hand for a partial erection of the building might expose the City to litigation seeking to enjoin such action, though it is possible that no such attempt would be made.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 24, 1913.

Ordinance Regulating Use of Railroad Tracks on City Streets.

WILLIAM J. MILLIGAN, Esq.,

Chief Clerk of Select Council.

DEAR SIR:—I return herewith draft of ordinance prepared by the Department of Wharves, Docks and Ferries, to regulate the use of railroad tracks on the streets, highways, etc., which you have submitted to this Department for criticism or suggestion.

In the main the ordinance seems to be a succinct codification of present ordinances and to be well drawn. I think, however, that the title is somewhat meagre, and would suggest something like the following: "An Ordinance regulating the use of railroad tracks on the streets

and highways of the City, and the loading, unloading, storing or moving of locomotives, trains, cars and rolling stock thereon; and forbidding the obstructing or prevention of the use of such tracks."

In the first section it might, perhaps, improve the sense to strike out "for" after "it shall not be lawful" and substitute "to cause or permit," and to insert "other" between "any" and "street" in the phrase "on Delaware avenue, or any street in the City of Philadelphia."

In the second section, the clause "and furthermore, they shall fix and collect a sum to be paid into the City Treasury, for each car loaded or unloaded, as described above, such sums not to be less than one (1) dollar nor more than five (5) dollars per car" should be stricken out. I do not think the City has authority to make such a charge.

In Section 3 the provision that it "shall not be lawful to move a train of length greater than one locomotive and twelve cars at one time" may possibly be regarded by the Courts as an unreasonable restriction, though it is impossible to say in advance whether such would be the judicial view. The validity of the provision would depend upon whether the Courts viewed it as reasonable or unreasonable to limit the length of the train to a locomotive and twelve cars.

The final clause appended to the proposed ordinance should be made Section 6, and I think after the words "any person or persons," "corporation or corporations" should be inserted.

Section 4 deals with a subject which is already provided for by statute—Act March 20, 1845, P. L. 191. It would not, however, be improper for such reason to let this section stand as it is.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 27, 1913.

Abolishment of Railroad Grade Crossings at Olney.

GEORGE S. WEBSTER, ESQ.,

Chief Engineer, Bureau of Surveys.

DEAR SIR:—I have given careful consideration to your letter of March 31st last and to the various documents which have since been submitted to me bearing upon the question of the obligations of the Philadelphia and Reading Railway Company, or of its subsidiary companies, the Philadelphia, Newtown and New York Railroad Company and the Philadelphia and Newtown Connecting Railroad Company, in connection with the abolishment of railroad grade crossings at Tabor street and at streets adjacent thereto at Olney. The facts appear to be as follows:

By ordinance of April 9, 1892 (Ordinances, page 143), the Philadelphia and Newtown Connecting Railroad Company was authorized to enter upon and occupy the streets necessary for the line of its railroad between the point of connection with the railroad of the Philadelphia, Newtown and New York Railroad Company at or near Front street and Clarkson avenue, and a point at or near Twelfth street and Fishers avenue. This included Tabor street in the vicinity now involved. In said ordinance it was provided, *inter alia*:

(Section 3.) That the Department of Public Works be authorized "at the cost of the railroad company to revise the lines and grades of the City plan of such streets along and in the vicinity of the said railroad as are affected by its location, and shall make them so as to avoid all grade crossings, providing for either undergrade or overgrade bridges."

(Section 4.) * * * "All bridges over streets heretofore opened shall be built at the expense of

the railroad company, as well as the regrading or alterations resulting therefrom."

(Section 5.) "And the railroad company shall keep their road, where it crosses the line of any street, in good order and condition at all times, and shall save the City of Philadelphia harmless so far as the said City may be liable therefor, from any damages arising to public or private property for changes of lines or grades made pursuant to the authority of this ordinance, and from any responsibility or liability that may grow out of the construction and use of the said railroad over or under the streets as aforesaid."

The tracks of the said Philadelphia and Newtown Connecting Railroad Company pass overhead at Tabor street, whilst the tracks of the Philadelphia, Newtown and New York Railroad Company, adjacent thereto and with which they connect, are laid at grade across Tabor street and adjacent streets.

The Philadelphia and Newtown Connecting Railroad Company has become legally merged in the Philadelphia, Newtown and New York Railroad Company.

Pursuant to the authority contained in said ordinance of 1892, the City authorities planned, "at the cost of the railroad company," to revise the lines and grades on the City plan of "such streets along and in the vicinity of the said railroad as are affected by its location," making provision to avoid all grade crossings, and such revision of lines and grades included the work and expense for which the railroad company is now asked to pay. The elevation of the tracks of the Philadelphia, Newtown and New York Railroad Company at Tabor street and Mascher street, and at Fishers avenue and Duncannon avenue, was then contemplated, but that company requested that for a time it be not put to the expense of abolishing its grade crossings, and it asked permission to proceed with the construction of said connecting railroad.

In this state of affairs certain correspondence passed between the Director of the Department of Public Works

and the President of the Philadelphia, Newtown and New York Railroad Company. On June 2, 1893, the Director wrote as follows:

"June 2, 1893.

Subject: Raising tracks of Philadelphia, Newtown and New York Railroad at Tabor street.

JAMES BOYD, Esq.,

President, Phila., Newtown & New York R. R.
318 DeKalb Street, Norristown, Pa.

DEAR SIR:—Your letter of May 8th, in which you state that 'this company will not object to having their tracks at the crossing of Tabor street, Olney, raised to an elevation of 119.0 City datum, top of rail, at such time in the future as the City of Philadelphia may desire to construct the necessary bridge to carry Tabor street under its railroad,' received.

The abolishment of grade crossings of steam railroads within the City limits is undoubtedly of mutual benefit to both the railroad and the City. It has not been the custom for the City to raise the tracks of railroads when bridges are built to avoid grade crossings.

As it is not the intention at the present time to construct the bridge at Tabor street, but only to perfect the City plan so that grades may be prepared in advance to regulate the erection of buildings in the immediate vicinity, it is extremely desirable that the railroad company and the City should come to a definite understanding as to exactly what can be accomplished at the point in question.

I desire to know whether I am to understand from your letter that when the public demand is so great as to require the abolishment of the grade crossings at Olney, and Councils shall by ordinance direct the building of the necessary bridges, that your company do now agree to raise their tracks to the elevation of

119.0 City datum at Tabor street, in accordance with the requirements of an ordinance to authorize this work.

Yours truly,
(Signed) JAMES H. WINDRIM,
Director."

In reply to the foregoing, James Boyd, Esq., as President of the Philadelphia, Newtown and New York Railroad Company, addressed the Director of the Department of Public Works as follows:

"Norristown, June 10, 1893.

MR. J. H. WINDRIM,
Director, Department of Public Works.

DEAR SIR:—In reply to yours of the 2d instant, in relation to the proposed raising of the tracks of the Philadelphia, Newtown and New York Railroad to City datum 119, top of rail, at Tabor road crossing.

The Philadelphia, Newtown and New York Railroad Company agrees that when the demand is so great as to require the abolishment of the grade crossings at Tabor street on the line of their road, they will raise their tracks to the elevation of 119 City datum at Tabor street, upon the condition that we may proceed at once with the work on the Olney extension where it crosses Tabor and Clinton streets, and place the bridge, that is now blocked, on to the present bridge seats as constructed, of course, giving usual clearance for wagons to pass under it.

Yours truly,
(Signed) JAMES BOYD,
President."

Pursuant to the understanding reached through this correspondence, the parties deferred the elevation of the

tracks of the Philadelphia, Newtown and New York Railroad Company, and delayed alterations in grading, excepting as to portions of Clinton street and that portion of Tabor street at which is located the elevated crossing by said connecting railroad—the Philadelphia and Reading Railway Company and the Philadelphia, Newtown and New York Railroad Company making payment for the damage resulting from the change of grade.

Subsequent to the arrangement and occurrences above mentioned, by ordinance of March 29, 1909 (Ordinances, page 45), the Director of the Department of Public Works was authorized to enter into a contract for the construction of a new bridge on the line of Hunting Park avenue under the Norristown Branch of the Philadelphia and Reading Railway Company:

“Provided, The Philadelphia and Reading Railway Company shall first enter into an agreement to pay one-half the cost of constructing said bridge, and also to maintain the same for all time thereafter: And provided further, That the Philadelphia and Reading Railway Company shall agree and secure an agreement of the Philadelphia, Newtown and New York Railroad Company to raise the tracks of the Philadelphia, Newtown and New York Railroad at its crossing at Tabor street to the elevation of 119.0 City datum; to abolish the grade crossing now existing on that street, and to construct and forever maintain bridges at its own expense for carrying the said railroad over the said Tabor street and all other streets now on the City plan, which may be affected by the raising of the said railroad at Tabor street, said work to be commenced on March 1, 1913, and completed as soon thereafter as possible.”

Under date of July 19, 1909, the Philadelphia and Reading Railway Company and the Philadelphia, Newtown and New York Railroad Company, pursuant to the provisions of said ordinance of 1909, entered into a written contract with the City of Philadelphia reciting that the City was about to enter into a contract for the construc-

tion of said Hunting Park avenue bridge, and setting forth:

"That, in consideration of said ordinance and of said contract so to be made by said City and the fulfillment thereof, and in accordance with the provisions of said ordinance, the Philadelphia and Reading Railway Company and the Philadelphia Newtown and New York Railroad Company hereby covenant and agree, at the cost and expense of the said last named company, and in accordance with general plan dated May 28, 1909, hereto attached and made part hereof, to raise the tracks of the said the Philadelphia, Newtown and New York Railroad at its crossing of Tabor street, in said City, to the elevation of 119.0 City datum, also to abolish the grade crossings with said railroad now existing on said Tabor street and to construct bridges for carrying the said railroad over the said Tabor street and over all other streets on the City plan at the time of the passage of said ordinance which may be affected by the raising of the said railroad at Tabor street, the said work to be commenced on March 1, 1913, and completed as soon thereafter as possible; and the said the Philadelphia, Newtown and New York Railroad Company hereby further covenants and agrees forever to maintain the bridges by this agreement covenanted to be erected.

It is understood and agreed that all the expense of work provided in this contract to be done, the elevation of tracks, the abolishment of grade crossings and the construction and maintenance of bridges, shall be borne by the Philadelphia, Newtown and New York Railroad Company, and the said company so covenants."

The Hunting Park avenue bridge was built as thus provided for, and the City contributed one-half of the cost of its construction.

The plan annexed to the writing of July 19, 1909, indicates the railroad tracks which are to be elevated as well as the adjacent streets affected by such elevation, and

the grades to be revised. It contains a certain *dotted* red grade line and a *full* red grade line and has this note thereon:

NOTE:—*Dotted* red grade line is the grade according to 1893 agreement. *Full* red grade line is *temporary* grade line carrying same agreement."

It is quite clear that the ordinance of 1909 and the covenant thereunder are not to be taken or considered as things substitutional, effecting an impairment of the obligations of 1892-1893, or in any way curtailing the same. On the contrary, they are to be viewed as but additional assurances for the performance of the then existing obligations of 1892-1893, and the fixing of a definite date for such performance. It is unreasonable to assume, because of the passage of the ordinance of 1909 or because of the execution of the written covenant thereunder, that the municipality waived any rights existing under the prior ordinance or that the railroad company's obligation became restricted to a mere elevation of its tracks. The essential thing recognized throughout was the abolishment of grade crossings which in this instance comprehended not only the elevation of the tracks, but the abolishment of railroad crossings at the existing street grades, whether such railroad crossing be upon or above the surface of the ground.

The wording of the ordinances above referred to, the correspondence quoted, the written covenant and the surrounding circumstances, when considered together as they must be, all indicate that it was fully understood and intended by all parties that the railroad companies were to abolish the grade crossings at Tabor avenue and other adjacent streets at Olney, and to pay for the incidental street grade changes and for the damages to public or private property resulting therefrom.

You state that "the grading of streets occasioned by the construction of the Newtown Connecting Railroad cannot be completed until the Newtown and New York Railroad shall be raised and because the latter operation was deferred, the obligation of the former has been in abeyance."

The Philadelphia and Newtown Connecting Railroad Company, I find, has become merged in the Philadelphia, Newtown and New York Railroad Company and the latter is leased by the Philadelphia and Reading Railway Company.

Under all the circumstances, I am of opinion that the Philadelphia, Newtown and New York Railroad Company is obligated not only to abolish at its own expense the grade crossings by the elevation of its tracks at Tabor avenue and adjacent streets at Olney, but that it is bound to pay for the street grade changes incidental to the construction of the railroad of the Connecting Company, with which it merged, and to pay for the damages to public or private property resulting therefrom.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 27, 1913.

In re Act Regulating and Licensing Places of Public Amusement.

CYRUS D. FOSS, JR., Esq.,

Secretary to the Mayor.

DEAR SIR:—I have your favor of yesterday enclosing House Bill No. 645, being "an Act defining and regulating public amusements and places used therefor; requiring and regulating the licensing thereof; restricting the scope of certain Acts of Assembly relating thereto; and providing penalties for violations of this Act."

You say of this Act that it has been signed by the Governor within the last ten days, and that it seems to limit the authority of municipal officials to require the alteration of theatres, moving picture houses and other places of

public amusement, and on behalf of the Mayor you ask to be advised as to the extent to which the Act affects the powers of the officials of this City.

The Act is a lengthy one, consisting of 24 sections, and an examination shows its main purpose to be to fix the amount of license fees to be chargeable by the Commonwealth but not by cities, etc., for theatres and other places of amusement, including moving picture exhibitions, and to provide for the assessment and collection of the license fees and the granting and revocation of the licenses, etc.

In the first section, in defining the words "place of amusement, or dramatic or theatrical or operatic or vaudeville performances, circus or menagerie or museum or wild west show" as used in the Act, it is provided that such definition shall not include "any building or tent or enclosure now erected, constructed or altered and in actual use for the exhibition of fixed or moving pictures or stereoptican views where songs, dances, acrobatic or vaudeville acts (whether stage scenery and apparatus are employed or not) are exhibited in addition thereto for the purpose of compelling the owner or lessee thereof to erect, alter or construct said building as a theatre."

In Section 19, citing the building inspection Acts of June 8, 1893, May 5, 1899, and June 5, 1901, it is further provided that these Acts

"shall be held not to apply to theatres, places of amusement, buildings, tents or enclosures which have been erected, constructed or altered and are now in actual use as a theatre or moving picture place where songs, dances, acrobatic or vaudeville acts (whether stage scenery and apparatus are employed or not) are exhibited in addition thereto for the purpose of compelling the owner or lessee thereof to erect, alter or construct said building as a theatre of the same has been built, altered or constructed in accordance with the laws and ordinances regulating the erection, construction or alteration thereof as a theatre, place of amusement or moving picture place at the time of such erection, construction or alteration."

The foregoing provisions of Sections 1 and 19 are most awkwardly and obscurely framed. It would seem, however, to be their purpose to exclude from the definition of theatres and the like, buildings, etc., now in actual use for the exhibition of moving pictures or stereopticon views where songs, dances, acrobatic or vaudeville acts, with or without stage scenery and apparatus, are exhibited, in so far that the owners or lessees thereof shall not be compelled to erect, alter or construct such buildings as theatres; and in Section 19 the purpose evidently is to provide that the said Acts of 1893, 1899 and 1901 shall not be applicable to compel the alteration, construction or erection "as a theatre" of theatres or places so actually used for moving picture exhibitions with songs, dances, acrobatic or vaudeville acts and with or without stage scenery and apparatus, provided that the same have been built, altered or constructed in accordance with the laws and ordinances regulating such erection, construction or alteration at the time thereof.

As already stated, the exact significance of the language in these sections is by no means clear; but it would seem that the authority of the municipal officials to require alterations in theatres and moving picture houses would be seriously limited by these provisions of the Act.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 28, 1913.

In re Indigent Insane.

MR. OSCAR L. SCHWARTZ,

Steward, State Hospital for the Insane,
Southeastern District of Pennsylvania,
Norristown, Penna.

DEAR SIR:—I am in receipt of your letter of May 24, 1913, referring to the commitment of indigent insane to

the State Hospital for the Insane at Norristown by the Director of the Department of Public Safety, and inquiring whether I am of the opinion that the support of persons so committed is properly chargeable to the City and County of Philadelphia. You say that you have seen the report of an opinion which I rendered to the Director in the newspapers, and as it is possible that the full text of the opinion did not appear, I enclose herewith a copy of the same in its entirety.

You will observe that the commitments made by the Director under this opinion are to the State Hospital for the Insane at Norristown, and are made under the provision of the 10th Section of the Act of May 5, 1876, P. L. 123. In addition to conferring the right to commit to your institution upon the "several authorities having the care and charge of the poor in the respective cities and counties named in the Act that section provides that:

"they shall be generally chargeable with the expense and care and maintenance and the removal to and from the hospital of such indigent insane."

In the appropriation for 1913 to the City Commissioners, under Item 36 for the care of defective, dependant and delinquent persons, there was appropriated to them the sum of \$158,000 for the State Hospital for the Insane, Southeastern District of Pennsylvania, Norristown. The City of Philadelphia is undoubtedly chargeable with the maintenance of its indigent insane at your institution, and it has provided for the expense of such maintenance by an appropriation to the City Commissioners.

I am therefore of the opinion that the order of Doctor Neff is binding upon the City of Philadelphia.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, May 29, 1913.**Sprinkling of Streets by Philadelphia Rapid Transit Co.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 27th inst., from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, in relation to a proposed contract with the Philadelphia Rapid Transit Company for the use of cars for sprinkling certain streets at a rental of \$15 per day per car.

It is stated in said letter that the Philadelphia Rapid Transit Company has discontinued the sprinkling of streets, which was formerly done by it under the claim that by the contract of July 1, 1907, it is released from this obligation.

I find nothing in the contract of July 1, 1907, which applies to the subject of sprinkling streets, and there appears to be no ordinance which ever did impose that requirement upon the Transit Company itself or its underlying companies. I am informed that such sprinkling as was done by it was voluntary upon its part and in compliance with the ordinance of June 1, 1871, Section 26, page 237, which permits the sprinkling of streets from carts by those desiring to do so upon their taking out a permit and giving bond.

The Chief of the Bureau of Highways and Street Cleaning inquires whether "in view of the circumstances and the emergency of the case we can enter into this agreement."

If there is an appropriation available for the purpose, and if the circumstances are such that the Rapid Transit Company alone can furnish the sprinkling cars desired, you would be justified in entering into a contract without advertising for bids. Whether there is any emergency

which otherwise would justify your Department in pursuing this course does not appear from anything in this letter.

Yours very truly,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 29, 1913.

Authority to Lay Pipe Across Amber Street.

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of May 27th from the Chief of the Bureau of Water, approved by you, inquiring whether that Bureau is authorized to grant a permit to cross Amber street, between Willard and Westmoreland, with steam and water pipes, pending action by Councils in the matter, in accordance with a request therefor from the owner of a manufacturing plant.

As stated by the Chief of the Bureau of Water, this has never been done by executive action, and I know of no right to grant the privilege requested except in pursuance of an ordinance or resolution of Councils.

Yours very truly,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 29, 1913.

Right of Bureau of Elevator Inspection to Make Rules and Regulations.

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of May 26th, transmitting the substance of a communication to yourself

from the Chief of the Bureau of Elevator Inspection, and requesting an opinion whether that Bureau has the power to formulate rules and regulations pertaining to the construction and installation and safety appliances for elevators.

Section 3 of the Act of May 28, 1907 (P. L. 298), authorizes cities to provide penalties for the violation of the ordinances which they may adopt, or the regulations of the Bureaus established in accordance with such ordinances.

The ordinance of April 15, 1908, does not in terms authorize the Bureau of Elevator Inspection to make rules and regulations. The Chief of the Bureau, however, calls attention to the provisions of Section 31 of that ordinance giving power to the Elevator Inspectors, with the concurrence of the Chief of the Bureau, to require safety appliances in addition to those mentioned in the ordinance when in their judgment the same may be necessary to better provide for the safety of the public. This would include the authority to make any necessary rules and regulations for carrying into effect the power thus granted, but not for any other purpose.

The Chief of the Bureau further refers to Section 3 of the ordinance of April 6, 1900, page 140. I do not think that ordinance is to be regarded as repealed except in so far as the later ordinance of 1908 may be in conflict with it, but Section 3 does not give the general power to formulate rules and regulations but only such as may seem necessary for the proper inspection of passenger and freight elevators, or concerning the performance of the duties of the several inspectors and other employees of the Bureau. In addition to these specific powers I am of opinion that the Bureau of Elevator Inspection would have the right by implication to make rules and regulations for administrative purposes; that is to say, with respect to the methods of carrying into effect the powers vested in it, but that it cannot make rules and regulations under which the authority conferred upon it by the ordinance would be extended or supplemented.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, May 31, 1913.

Right to Inspect Elevators in Private Houses.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a communication from the Chief of the Bureau of Elevator Inspection, approved by you, inquiring whether that Bureau is authorized to inspect elevators in private houses, and stating that its representatives are constantly refused admission in such cases.

The Act of May 28, 1907 (P. L. 298), and the ordinance of April 15, 1908, make no exception with respect to private residences, the requirement of the ordinance for inspection and the payment of inspection fees being general as to "all power driven elevators" and "all hand-hoist elevators." Many of the provisions of the said statute and ordinances are, however, manifestly inapplicable to such elevators. The purpose of the State and municipal legislation is, moreover, expressly stated to be for the protection of the public. These considerations make it exceedingly doubtful whether the statute and ordinance are intended to apply to elevators of this character where only the occupant of the house, his family, servants, guests, etc., can be affected, and in view of the difficulty of enforcing the provisions with respect to the inspection of elevators in such instances, together with the probability that they were not intended to be included in the general requirement, I would recommend that the inspection of such elevators be not insisted upon when objection is made thereto.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 2, 1913.

*Right to Pave Gutters with Vitrified Brick Instead of
Asphalt.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring whether he would be authorized to contract for the paving of the gutters of certain streets with vitrified brick, and of the balance of the street surface with asphalt, when Councils have directed that the streets shall be paved “with the best quality of asphalt.”

It is stated by the Chief of the Bureau that inasmuch as water injures the asphalt paving, the use of vitrified brick would be better and cheaper for the City and would result in a great saving. I understand the inquiry to be made with regard to work for which the abutting owners will be required to pay; that is to say, what is called “assessment work.”

In the case of *Philadelphia vs. Dibeler*, 147 Pa. 261, it was decided that the Councils of the City have the sole right to designate what streets shall be paved and the character and material of the paving. If the common significance of providing for the paving of a street with asphalt is to require that the gutter as well as the other parts of the paving shall be of that material, I think under the foregoing decision your Department would not have the right to vary from the directions that Councils have so given. It would be especially inadvisable to do this in cases where assessment bills against abutting owners are to be used in payment, lest the deviation might afford a pretext for the property owners to defend against the assessment bills.

I would suggest that the matter be brought to the attention of Councils in order that if they deem proper the ordinances may be amended.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 2, 1913.

Emergency Work—Repairs to Penrose Ferry Bridge.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, in reference to the contract to repair the operating machinery of the Penrose Ferry Bridge.

It appears that after the bridge was dismantled an examination, which was impossible theretofore, showed that additional parts are required to replace worn-out and defective machinery; that the cost of these, together with that of the work and material contracted for, will exceed the limit of the contract by approximately \$300, but that the additional work is imperative, as it will be impossible to operate the machinery and bring the bridge back to a position to accommodate the traffic unless the defective parts are replaced. In the meanwhile the work is progressing night and day. Inquiry is made whether in such an emergency the contractor may be ordered to go ahead with this extra work, payment being made for the additional labor and material at the unit prices bid and out of funds available for the maintenance of bridges but not allotted to this specific contract.

As you are aware, under ordinary circumstances it would be improper to follow the course suggested. I

think in this case, however, the emergency is sufficiently urgent to justify a departure from the usual method.

A letter should be sent to the City Controller advising him of the facts as stated by the Chief of the Bureau, accompanied by the approved bills and warrants.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 3, 1913.

Notice of Termination of Lease—State Fencibles Armory.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received your letter of the 31st ult., asking me to advise you how long in advance of the termination of the lease by the City to the State Fencibles for the armory, on the east side of Broad street, below Race street, the notice of the desire to terminate it should be given.

The lease was entered into by the City in accordance with the terms of an ordinance passed January 11, 1904. The term of ten years commenced March 1, 1904. There is no renewal clause in the lease. It terminates at its expiration. There is no legal notice required, but the Bureau of City Property should give to the State Fencibles Batallion ample time, and I would suggest that three months' notice be sent.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 4, 1913.**Legality of Registering a Title Claimed by Adverse Possession.*

GEORGE S. WEBSTER, ESQ.,
Chief, Bureau of Surveys.

DEAR SIR:—I am in receipt of your letter enclosing a description of a piece of property at Grays avenue and Seventy-second street, and inquiring whether such a description should be entered on the Registry Plan Book, the case resolving itself into a question of the legality of registering a title claimed by adverse possession. In this connection you state:

“The property has never been registered, but from records in the District Surveyor’s Office it is ascertained that it was formerly owned by Dr. Henry Paschall. Information has also been obtained that Rachel Davis (mother of Josephine Williams) claims to have held a receipt for money paid in purchase of the property from Dr. Paschall, but no deed was passed. Josephine Williams is now endeavoring to clear up the title. The description can be plotted.”

A good title can be acquired by adverse possession and when the facts are definitely and clearly proven it would not be improper to register such a title, but, as it arises of itself without any preceding link in the chain of title, very clear and convincing proofs by affidavits or otherwise should, I think, be required before such a title is admitted to registry. The affidavits should show open, adverse, notorious, exclusive and continuous possession by the claimant for a period of at least twenty-one years, and the facts upon which possession of that character is claimed should be detailed.

It does not appear from what you state that any affidavits have been furnished to your Bureau to substantiate

the endeavor to establish title. Unless this is done I do not think the property should be so registered.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 7, 1913.

Automobile Races in Fairmount Park.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 6th inst., in reference to the proposed restoration of the races of the Quaker City Automobile Club, concerning which you ask whether if such races were permitted in the Park the individual members of the Park Commission would be responsible for the damages arising through any accident; and also, whether the City has the right to give the use of public streets for such purpose.

With respect to Fairmount Park, the Act of March 26, 1867, provides that it shall “be laid out and maintained forever as an open public place and park for the health and enjoyment of the people of said City, and the preservation of the purity of the water supply of the City of Philadelphia.”

In my judgment this is intended to preserve the Park for the benefit of the public at all times and should prevent the renting of private expropriation of it for any purpose whatsoever. The open portions of the Park should be free to the use of the people without exception, and no charge should be exacted for admission to any part thereof. By Section 15 of the Act of April 14, 1868, power is given to lease “all houses and buildings within the Park limits, which may be let without prejudice to the

interests and purposes of the Park." This, I think, emphasizes the view that the Park itself as distinguished from such buildings, is to be always open gratuitously to the public.

While the control of the Park is confided by the statutes above referred to and others, to the Fairmount Park Commission, as was illustrated in the case of *Wakelin vs. Philadelphia*, 21 D. R. 39, yet in the still later and more authoritative case of *Ankenbrand vs. Philadelphia*, 52 Superior Court Reports, page 581, it was decided that the City of Philadelphia is liable for negligence with respect to its public parks, the highways within which are held to have the same legal status in this respect as any of the other highways of the City, and that the municipality is responsible for injuries resulting from negligence in the maintenance and use thereof. For this reason the City has a vital interest in preventing any use of the highways in the Park which may be unduly dangerous to life or limb and which are likely to result in pecuniary responsibility being imposed upon the City for accidents resulting in personal injury or death.

Concerning your inquiry as to the personal liability of the members of the Park Commission, the City has a less direct interest in this especial phase of the matter, and I think that question should be referred to the Solicitor for the Fairmount Park Commission.

With respect to the other highways of the City, what has been already said applies with increased effect, for as to them not only the liability for damages for personal injuries is charged to the City, but it itself is in the immediate control of its streets.

The control of the City's streets is vested in yourself and the appropriate executive departments, and you have the undoubted power to prevent their use by individuals in a peculiarly hazardous and dangerous manner, or to the exclusion of the general public.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 10, 1913.**Regulation and Licensing of Public Dance Halls and Ball Rooms.*

GAVIN NEILSON, ESQ.,

Clerk of Committee, Common Council.

DEAR SIR:—I am in receipt of your letter of recent date, enclosing draft of a proposed ordinance to provide for the regulation of public dances and balls and the licensing and regulation of public dance halls and ball rooms, concerning the legality of which you inquire on behalf of the Committee on Police and Fire.

I do not find any express legislative authority in the City of Philadelphia to pass such an ordinance, nevertheless under what is commonly known as the General Welfare clause, which is embraced in Section 16 of the Act of March 11, 1789 (2 Smith's Laws, page 463), the City would, in my judgment, have the right to regulate the public morals by an ordinance of this general character. However, I learn that House Bill No. 1429, which is now pending, gives to cities of the first class the specific power to restrain and regulate the use of dancing schools and academies, covering all or a large part of the field which the contemplated ordinance has in view. For this reason I would recommend that Councils do not act until the proposed statute is either passed and approved or definitely rejected, especially so in view of the fact that certain provisions of the proposed ordinance are, in my judgment, illegal. For example, the City has no right, in the absence of distinct statutory authority, to provide a penalty by imprisonment upon non-payment of pecuniary fines. *Barter vs. Commonwealth*, 3 P. & W. 253; *Pittsburgh vs. Young*, 3 W 363; *Butler's Appeal*, 73 Pa. 448. Moreover, while a small license fee which would be purely incidental to the regulation of the matter would perhaps, be permissible, a license fee of \$25, unless the City had distinct authority to impose it, could not be sustained. See *Butler's Appeal*, *supra*.

Since the ordinance as now drawn would probably conflict with the Act of Assembly, if passed, it would be more prudent to await the action of the Legislature.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 11, 1913.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIRS—I have your favor of the 4th inst., in reference to House Bill No. 645, which has been duly approved, relating to places used for public amusement.

The ambiguous language used in this bill, to which I recently called your attention, would warrant the Bureau of Building Inspection in proceeding in the same manner as if the Act had never been passed. In making this statement I do not wish to be understood as declaring the Act to be illegal, but as holding, rather, that its interpretation is for the Courts, and therefore that it would be advisable to let the question of its construction arise under objection of any aggrieved party who may claim to be relieved by it from the operation of former laws.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 11, 1913.

*In re Resolution Relative to Use of Police for Purpose of
Examining Assessors' List and Making Canvass.*

WILLIAM H. FELTON, ESQ.,
Chief Clerk of Common Council.

DEAR SIR:—I am in receipt of resolution of Common Council of June 5th, requesting this Department to furnish information relative to the use of the police for the purpose of examining the assessors' list or registration list and making a canvass of the various election divisions. The specific matters upon which such information is desired are as follows:

“*First.* What would be such reasonable evidence or information or facts which would cause the Director of the Department of Public Safety to direct the policemen to examine the assessors' list or registration list on the assumption that false assessment or false registration had been made?”

It is impossible to say in advance what would be reasonable evidence for the foregoing purpose. Any evidence which honestly satisfied the Director of the Department of Public Safety that the services of the policemen were necessary for the prevention of crime and the maintenance of the law, as defined in my letter to you of April 25th upon this subject, would in my judgment be sufficient. The inquiry is too comprehensive and general to be answered in detail.

“*Second.* Is the Director of the Department of Public Safety acting within the legitimate use of the police to direct them to canvass the assessors' list or registration list with regard to deaths or removals since the last assessment and registration in view of the fact that registrars are required to sit for the purpose of removing such names on the application of the qualified electors of their respective divisions?”

Yes, if such use of the police is in good faith for the purposes indicated above and in my letter of April 25th.

“Third. If information is furnished to the Director of the Department of Public Safety within the conditions named in the first inquiry, would this warrant the Director of the Department of Public Safety in canvassing divisions other than those in which it is alleged that fraudulent assessments and fraudulent registrations have been made?”

No; unless he had further reason to believe that such canvassing were necessary for the investigation or prevention of crime in such other districts.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 12, 1913.

In re Construction of Theatre at Juniper and Market Sts.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of letter of the 10th inst., from the Chief of the Bureau of Building Inspection, approved by you, in reference to the construction of a theatre at the corner of Juniper and Market streets, together with plans of the proposed building.

The first inquiry on the subject is whether the theatre, as it is intended to be erected, provides sufficient exits to comply with the requirements of law.

The plans show a building running from Market to Commerce street, the entire depth of the building abutting on Juniper street on the west and on an open court on the east. The Commerce street front of the building is oc-

cupied by the stage, which fronts toward Market street, on which street stores are to be erected in front of the auditorium, but a part of the Market street frontage is to be left as a passageway with which the auditorium connects. Said passageway is stated in the letter of the Chief of the Bureau to be one-third of the width of the auditorium at its widest part, but is not sufficiently wide to provide in itself (without taking the Juniper street exits into account) all the exits and passageways which the statute requires in theatres.

The Act of June 5, 1901, Section 49, provides in part as follows:

“Every such building shall have at least one front on the street, which front shall be as wide as the widest part of the auditorium or assembly hall, and in such front there shall be suitable means of entrance and exit for the audience, unless there shall also be a way or passage leading directly from the auditorium to another street, in which case the means of entrance and exit by such way or passage shall be taken into consideration to such extent as they shall furnish entrances and exits; and, if they shall be of sufficient width to meet the requirements of this Act, there need be no means of entrance or exit in front, saving by the side courts hereafter stipulated for. Any building located on a street, having a width thereon as wide as the widest part of the auditorium or assembly hall, shall be considered as having a front on said street, within the meaning of this Act, if, in addition thereto, there shall be a way or passage leading from said theatre to another street, which way or passage shall be of a width not less than one-third of the width of the widest part of said auditorium or assembly hall.”

The language of this Act evidently is intended to provide that any face of a building abutting upon a street, if such face be at least as wide as the widest part of the auditorium or assembly hall, shall be considered as a front of the building, if, in addition thereto, there shall be a

way or passage leading from the auditorium to another street, which passageway shall be of a width not less than one-third of the width of the widest part of the said auditorium or assembly hall.

These conditions seem to be met in the proposed building. The Juniper street front of the building is considered wider than the width of the auditorium, and the passageway leading to Market street is, according to the statement of the Chief of the Bureau, one third of its width. Of course, the Bureau of Building Inspection should see that the legal number of exits and entrances are provided—those upon the Juniper street side or front of the building being taken in connection with the exits into the passage to Market street for this purpose.

The second inquiry is whether the theatre may be erected in such manner that the basement under the auditorium floor is to be used for business purposes. In this connection the letter states:

“It has always been our thought that a building used for theatrical purposes must be used specifically for that purpose, with the exceptions as stated in the law. The plans showing evident intent to use the basement under the auditorium floor, what we desire is an opinion as to the legality of such use, and whether this Bureau would be justified in issuing a permit for the building, in view of the fact that it is proposed to use the basement under the auditorium floor for business or other purposes not connected with the theatre, regardless of the fact whether such use be specifically hazardous or not.”

I do not think it is necessary to go so far as to say that no part of the theatre building may be used for other business purposes, but it is very clearly provided by the Act that any business specifically hazardous must not be conducted therein. Indeed the Act provides certain uses for other parts of the building, as roof garden, art gallery, or rooms for similar purposes over the theatre upon certain conditions, and for the placing of offices,

stores and apartments therein under certain regulations. It further provides that:

“No workshop, storage or general property room shall be allowed above the auditorium or stage, or under the same or in any of the fly galleries,” and that no part of the theatre “shall be used, or occupied, as a hotel, boarding or lodging house, factory, workshop or manufactory, or for storage purposes. * * * Said restriction relates not only to that portion of the building which contains the auditorium and the stage, but applies to the entire structure in connection therewith. No store or room contained in the building, or the office, stores or apartments adjoining as aforesaid, shall be let or used for carrying on any business dealing in articles designated as specially hazardous in the classification in the Board of Fire Underwriters, or for manufacturing purposes.”

I am of opinion that, if the construction of the building shows a clear purpose and intention to adapt any part of it solely for use as a hotel or any of the other excepted uses, or for equally hazardous purposes, which I think would include its use as a restaurant whether such use be enumerated in terms or not, you should refuse to grant the permit, leaving it to the builder of the proposed structure to take such steps as he may deem proper, if he is disposed to insist upon an interpretation of the statute other than the foregoing.

I return herewith the plans which you sent to me in connection with this matter.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 13, 1913.**Ordinance Authorizing Payment of Historical Pageant Expenses.*

JOHN M. WALTON, ESQ.,

City Controller.

DEAR SIR:—I am in receipt of your favor stating that you have before you an ordinance approved June 10, 1913, authorizing the payment of \$10,000 for the expenses of the Historical Pageant in 1912, and a warrant accompanying the same, and inquiring whether you would be justified in countersigning such warrant.

The ordinance authorizes the transfer of the sum of \$10,000 to the Mayor "to pay the expenses of the Historical Pageant of 1912, and the Mayor is hereby authorized to draw, and the City Controller to countersign, a warrant for said amount."

Councils are authorized to use the funds of the City in payment for obligations incurred for public or municipal purposes, and under the Act of May 23, 1874, they have the exceptional power where indebtedness has been incurred without the formalities prescribed by law to discharge the moral obligation thus incurred in the manner prescribed by the Act of Assembly, provided that the debt thus assumed and discharged is for a legitimate public purpose for which the City would have been authorized in the first instance to provide. The Act of 1874 is not, however, unlimited in its scope, and it will not serve to enable the taxpayers' money to be employed in the payment of indebtedness incurred for any other than a purpose for which the municipality is authorized to expend such money.

The subject was recently analyzed and discussed by the Court of Common Pleas No. 3 of this County in the case of *Blankenburg vs. City of Philadelphia*, reported in 20 District Reports, page 531 (1911), wherein it was

proposed to make up out of the public funds the deficiency arising out of a subscription dinner to Mr. Hammerstein, who had shortly theretofore established an opera house in the City. This was deemed by many an achievement so deserving of commendation and encouragement that the banquet in celebration thereof was held to be, if not actually, a public purpose, one which was so nearly akin thereto that Councils might well be thought to be authorized to expend the money of the taxpayers for so laudible a purpose. Nevertheless the celebration was not open to the public. As already stated, the dinner was a subscription one. Certain citizens were invited to participate therein and a charge of ten dollars per plate was imposed upon the guests. The Mayor of the City, in his efforts to insure the success of the event, had pledged the credit of the City to make up any deficiency which might result, and, accordingly, in order to make this pledge good, Councils made the necessary appropriation. Certain taxpayers objected to such use of the City's money. A bill in equity was filed and the Court, in discussing the subject, among other things, said:

"It is argued that the Act of May 23, 1874, Section 5, P. L. 230, is ample justification for the appropriation, upon the theory that if the City could, under *Tatham vs. Philadelphia*, 2 W. N. C. 564, provide for a public entertainment, it could necessarily ratify one after it was had. We cannot agree with this contention. The Act of 1874 was passed to provide for a situation in which the municipality received the benefit of the work of the contractor, although not based upon a contract made in conformity with an ordinance. The claim must be meritorious, in that the benefit is one in which the public participated and a moral obligation rested upon the City. No such benefit to the City appears in this case. There may be the view that the establishment of the opera house was a benefit to the City, but that is not the question involved. The dinner conferred no benefit on the City, and if the City had the power to provide for such an entertainment, it

is without power to appropriate the money in making good a deficit in a contract entered into by private persons. The law is clear that no officer of the City has the power to bind the City by a contract not provided for by ordinance, and it is only an exceptional case and one *ex aequo et bono* that comes within the provisions of the Act of 1874. The appropriation must be held to be invalid."

Similar, if not actually the same, considerations would apply in the present instance. The Historical Pageant of 1912 was not a public one in the sense in which that term may be legally used. A portion of Fairmount Park was gratuitously devoted to the holding of the pageant, but it was not inaugurated at the instance of the City. The enterprise was of a private venture; the profits, if any had been derived, would not have gone into the City Treasury—at least the City would have had no legal claim thereto—and, while many public spirited men and women volunteered their services to make it a success, yet this spectacle was not open to the public, and an admission fee or scale of fees was charged for entrance.

In view of these facts and of the decision of the Court in the case referred to, the payment of this deficit out of the City's funds could not be upheld, and therefore you would not be legally justified in countersigning the warrant.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 14, 1913.

Removal of Unused Tracks by Philadelphia Rapid Transit Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of yesterday, enclosing copy of an ordinance authorizing the Philadel-

phia Rapid Transit Company to temporarily remove certain portions of street railway track and overhead trolley not necessary at this time for the accommodation of the public and which is being removed at your request.

I see no objection to the passage of this ordinance, the matter being one entirely for the exercise of the discretion of Councils.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 14, 1913.

Entering Premises to Abate Nuisance when Resisted.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your inquiry of the 11th inst., as to the proper mode of entering premises for the purpose of abating a nuisance when resistance is offered.

The subject is covered by Section 27 of the Act of January 29, 1818 (3 Stewart's Purdon's Digest 2927, Section 797), which provides as follows:

“The Board of Health or a committee of them shall have power, having first obtained a warrant from a Justice of the Peace in due form of law, founded on a complaint of two householders, under oath or affirmation, directed to the Sheriff of the County of Philadelphia, or his deputy, to enter and search all houses, stores, cellars and other enclosures, between sunrise and sunset, where they may have just cause to suspect any nuisance to exist: *Provided, however,* That no Sheriff or Deputy Sheriff shall execute any civil process either by arresting the body, or attach-

ing the goods and chattels of any person or persons under color of any entry made for the purpose aforesaid, unless such service could by law have been made without such entry; and all services so made under color of such entry shall be utterly void, and the officer making such service shall be considered a trespasser."

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 17, 1913.

Compensation of Laborers Reporting for Duty—Subsequent Rain.

JAMES REED, Esq.,

Assistant Director, Department of Public Works.

DEAR SIR:—In reply to letter of Wm. H. Connell, Chief of the Bureau of Highways and Street Cleaning, dated June 12th, approved by you, in relation to the allowance to be made to laborers who report for work but are unable to so do on account of the condition of the weather, and setting forth that you are experiencing difficulty in relation thereto, permit me to say that I think it would be entirely lawful, as it undoubtedly would be fair, to allow these men their expenses in reporting to you and that this might take the form of a credit of one-half hour's time, as suggested by you.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 17, 1913.**In re Silas E. Trout—Requesting Return of Tracings.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In reply to your letter of the 13th inst., in which you ask whether or not you should forward to Silas E. Trout, late Special Inspector in your office, who has been dropped from the service, a letter asking him to return original tracings secured by him in the course of his employment, permit me to say that you may send, with entire propriety, the letter you forwarded and that you would be authorized to make it very much stronger in its terms if you so desire.

All tracings and documents of any kind prepared by an employee in the service of the City of Philadelphia belong to the City and not to the employee personally, and no one has any warrant of law to remove any paper of any kind from his public office.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 18, 1913.**Appointment and Licensing of Public Porters.*

WILLIAM J. MILLIGAN, Esq.,

Chief Clerk of Select Council.

DEAR SIR:—Permit me to acknowledge the receipt of your communication of the 16th inst., enclosing copy of a proposed ordinance relating to the appointment and

licensing of public porters and fixing the rates of their charges, and asking my opinion as to its legality.

Under the Act of April 2, 1790, Section 3 (2 Smith's Laws, 527-4, Stewart's Purdon's Digest, page 4806), Councils in Philadelphia may fix the rates and prices to be charged by porters and others. This Act provides:

"From and after the enacting hereof, the Mayor, Recorder, Aldermen and Common Councilmen, in Common Council assembled, shall have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions, as shall be necessary and convenient for the purposes of fixing, ascertaining and regulating, from time to time, the rates and prices which shall be demanded and received, by wagoners, carters, draymen, porters, wood-sawyers and chimney-sweepers, for each and every labor and service which they shall respectively do and perform within the said City of Philadelphia; and also for the doing, performing and executing all and every other power, authority, act, matter and thing whatsoever, which the said wardens and street commissioners separately of themselves, or they or either of them, in conjunction with one or more Justice or Justices of the Peace, or with any person or persons whatsoever, were authorized and empowered, or might or could lawfully do or perform, by or under any laws in force at the time the Act to incorporate the City of Philadelphia was made."

The ordinance you have submitted to me, however, goes far beyond the power conferred by the above act. No authority is there found for the appointment by the Mayor of "public porters," or for his selecting from among those engaged in this business as many of such persons as he may think expedient and appointing and licensing them as the only persons entitled "to carry baggage, goods or other things by hand, or in a wheel-barrow or hand-cart, from any railroad station, depot, ferry or steamboat landing, for hire, wages or pay."

This occupation is a perfectly lawful one, and it would not be within the power of Councils under the guise of regulation, to authorize the Mayor to select from among those engaged in it, such persons "as he may think expedient" and license and appoint them as the only ones entitled to carry it on.

A further objection is found in the third paragraph which provides that "every person receiving a license to be a public porter as aforesaid, shall pay to the Mayor for the use of the City, five dollars, and the further sum of one dollar on renewal of every such license.

It is doubtful whether in the absence of express authority the above act of Assembly quoted would authorize a license charge for such porters; but in any event, the fee charged must be a reasonable one, sufficient only to cover the cost of the regulation and licensing of those engaged in the business and not for the purpose of taxation and raising revenue. The fee of \$5.00 provided by the Act would appear to be too high to be considered "reasonable" for such regulation and licensing.

Furthermore, the Act of June 1, 1885, Article 5, Section 1 (P. L. 43), provides that "the officers charged with the duty of collecting taxes and the receipt and collection of funds derived from loans, licenses, * * etc., shall be attached and subordinate to the Department of the Receiver of Taxes and be subject to its supervision, control and direction," and the ordinance of December 30, 1886, Section 12, page 346 (Brown's Philadelphia Digest, 433), provides that all moneys due the City, including licenses, shall be received and collected by the Department of the Receiver of Taxes.

The title of the draft submitted—"Ordinance proposed by Juvenile Protective Association for the regulation of porters"—is, of course, informal.

Councils have the right to regulate the prices and rates of porters as indicated in the act of Assembly, but this cannot be done by an ordinance in the form proposed.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 18, 1913.**Trustees of St. Bartholomew's Church, Twenty-fifth and
Lehigh Avenue.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—Permit me to acknowledge the receipt of your letter, dated the 11th inst., but received on June 16th, in relation to the claim by the Trustees of St. Bartholomew's Church, Twenty-fifth and Lehigh avenue, for a rebate of the water rent of the years 1910, 1911 and 1912, due upon a building formerly occupied as a parish house.

The ordinance to which you refer provides that "buildings unoccupied for the entire current year next preceding" are to pay ferrule charge only upon affidavits furnished when required by the Departments, and such affidavits to be verified by the Department inspector. As the ordinance requires the buildings to be vacated for the "entire current year" before the water charges can be abated, it would necessarily exclude these premises from its benefits. You state that the building has been used for the playing of basket ball and for a rummage sale, and I regret to be compelled to write to you that I do not believe that any exemption can legally be claimed, and it would therefore be beyond your power to remit the charges.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 18, 1913.**Sale of "Langham's Anodyne" from Door to Door.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 11th inst., in regard to the peddling from door to door of what

is known as "Laugham's Anodyne," manufactured in this City, containing 1-32 grain of sulphate morphine and $\frac{7}{8}$ grain of hydrated chloral to the teaspoonful, the formula being printed on the label as required by the Pure Food and Drug Act. The directions on the label state the dose to be for "a child eight months to one year, half to one teaspoonful," and you say that these drugs are very harmful and in ignorant hands will produce fatal results, and inquire whether there is any law under which this dangerous practice can be stopped.

I would call your attention to the Act of March 18, 1909 (P. L. 39), which forbids the sale by retail of any morphia, strychnia, arsenic and other poisonous substances mentioned in the Act except by prescription of a physician or on the personal application of some inhabitant of full age of the town or place in which such sale shall be made, and requires that the word "poison" shall be marked on the label of the package, etc., in which the poison is contained, and when sold otherwise than upon the prescription of a physician, further requires that the sale shall be registered.

The Act of June 16, 1891 (P. L. 313), in Section 1, provides that no person shall carry on a retail drug or chemical store, or engage in the business of compounding or dispensing medicines and prescriptions of physicians "or of selling at retail any drugs, chemicals, poisons or medicines without having obtained a certificate of competence and qualification so to do from the State Pharmaceutical Examining Board and having been duly registered as herein provided."

The Act of 1891 is an amendment to the first section of the Act of May 24, 1887 (P. L. 189), the sixth section of which Act makes an exception in favor of those dealing in "proprietary remedies popularly called patent medicines," provided that the provisions of Section 10 of the Act shall be complied with. Section 10 of the Act of 1887 defines poison to be "any drug, chemical or preparation which, according to standard works of medicine of materia medica is liable to be destructive of human adult life in quantities of sixty grains or less." That section further

provides that no person shall sell at retail any poison except as therein provided, without affixing to the bottle, box, etc., containing the same a label printed or plainly written, containing the name of the article, the word "poison" and the name and place of business of the seller; nor shall deliver to any person without satisfying himself that such poison is to be used for legitimate purposes. It is further made the duty of any one selling or dispensing poisons which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold and the purpose for which is said to be intended.

The circumstances involved in the present case are not stated with sufficient fullness to determine whether the above cited Acts, or any of them, are being violated. The statutes, however, are of a criminal character, the offences against their provisions being made misdemeanors and punishable by fine and imprisonment upon conviction.

I would therefore suggest that the entire subject be taken up with the District Attorney, before whom the facts should be laid with a view to the institution of criminal proceedings, if such appear to be justified.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 19, 1913.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I herewith return to you "An Ordinance to amend an ordinance entitled 'An Ordinance to make an appropriation to the Commissioners of Fairmount Park,

for the year 1913," as to which you have asked my opinion as to whether or not it should be approved by you.

On March 23, 1911, an ordinance was approved by the then Mayor authorizing the directors or heads of the various Departments of the City of Philadelphia to purchase or contract for work, materials, or supplies when the total cost shall not exceed the sum of five hundred dollars, under contract with the lowest responsible bidder after obtaining bids in writing from not less than three reputable persons dealing in the articles required, and that this private bidding should be in lieu of advertising.

In effect, the proposed ordinance gives the same power to the Commissioners of Fairmount Park, and I know of no reason why your signature should be withheld.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 20, 1913.

*Construction of Act Regulating the Letting of Certain
Contracts for Work on Public Buildings.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of City Property, approved by the Assistant Director of your Department, inquiring with respect to the Act of Assembly approved May 1, 1913, which is entitled "An Act regulating the letting of certain contracts for the erection, construction and alteration of public buildings" and which provides as follows:

SECTION 1. Be it enacted, etc., That hereafter in the preparation of specifications for the erection, construction and alteration of any public building, when

the entire cost of such work shall exceed one thousand dollars, it shall be the duty of the Architect, Engineer or other person preparing such specification, to prepare separate specifications for the plumbing, heating, ventilating and electrical work; and it shall be the duty of the person or persons authorized to enter into contracts for the erection, construction or alteration of such public building to receive separate bids upon each of the said branches of work, and to award the contract for the same to the lowest responsible bidder for each of such branches.

“SECTION 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.”

The question asked is whether City buildings are to be construed as public buildings within the meaning of this Act.

In the recent case of *Commonwealth vs. Casey*, 231 Pa. 170, the Supreme Court distinguished between those buildings of a city which are strictly governmental and municipal in character, and those which are intended to be used by the City for such purposes as the supply of gas and water, or other similar objects, with respect to which a City acts not in its governmental character, but in the same manner as an individual or other corporation might do. In that case the Act of July 26, 1897 (P. L. 418), which forbade the employment of laborers for more than eight hours in each day by the State or municipal corporations therein or otherwise upon public works, was declared to be unconstitutional as being special legislation regulating labor. In the course of the discussion by the Court the distinction between municipal buildings erected for governmental purposes and those intended to serve other than governmental functions was made clear, and with particular reference to the latter it was decided that the Act regulating the hours of labor was special legislation and therefore unconstitutional. The Court pointed out that there is no legal difference between a municipal corporation acting in the latter capacity and any other corporation or individual so acting, and there-

fore that labor conditions with respect to a municipality engaged in private enterprises are on a parity with those of labor employed by private persons.

The Act of May 1, 1913, undertakes to require that "in the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work shall exceed one thousand dollars" separate sets of specifications for plumbing, heating, ventilating and electrical work shall be prepared and contracts entered into after separate bids shall be received for those branches of the work with the lowest responsible bidder for each branch. It is not made clear by the terms of the Act whether the words "any public building" are intended to embrace municipal buildings of any character, or whether on the contrary this Act is not intended to apply alone to State buildings. I think the interpretation would be that it is intended to cover all buildings, municipal as well as State, which are to be used for public or governmental purposes as distinguished from those purposes which are not governmental in character, as already explained.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 20, 1913.

Entering Premises to Abate Nuisances When Resisted.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your favor of the 17th inst., making further inquiry as to the proper mode of entering premises for the purpose of abating a nuisance when resistance is offered.

In my former communication to you on this subject under date of the 14th inst., I referred you to Section 27 of the Act of January 29, 1818 (3 Stewart's Purdon's Digest 2927, Section 797), and quoted therefrom the paragraph setting forth the procedure to be followed in such cases. You now state that your inquiry was "as to the proper method of entering premises, not where a nuisance is suspected, but where a nuisance does exist, the fact having been ascertained after due inspection and a resolution of the Board of Health declaring the nuisance to exist and to be prejudicial to the public health had been duly served, but my employees are denied admission to premises to abate the existing nuisance."

The necessary steps to be taken are set forth in the portion of the Act of 1818 quoted in my communication of the 14th inst., and the words there quoted are followed in the Act by the provision:

"And it shall be the duty of the said Board to cause all offensive or putrid substances, and all nuisances which may have a tendency in their opinion to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves, docks, or any other part or parts of the City of Philadelphia, the District of Southwark, and the townships of Northern Liberties, Moyamensing and Penn. and to cause such privies within the limits aforesaid to be emptied or corrected with lime or otherwise, at the expense of the individuals who are the owners of the houses to which the said privies are appurtenant, as the said Board shall from time to time deem necessary for the health of the inhabitants thereof."

In the case of *Baugh vs. Sheriff*, 7 Philadelphia Reports, 82-84, it was said:

"All that appears is, that the Board passed a resolution declaring the existence of the nuisance and ordering its removal. It should appear that a complaint was made upon the oath or affirmation of two householders, and that a warrant was obtained from a Jus-

tice of the Peace, directed to the Sheriff or his Deputy, and by virtue thereof entry was made upon the premises, and the question of the existence of the nuisances determined."

It was held in that case that the procedure prescribed by the Act must be strictly followed.

The purpose of the statute is to enable nuisances to be both discovered and abated. Entrance to the premises harboring them may be secured in the manner provided though the existence of the nuisance is only suspected; but it is not intended to prevent such entrance when the fact of the nuisance has been definitely ascertained and when the reason for entering and removing such nuisance is to that extent the greater.

I am therefore of opinion that the proper procedure is that indicated by the aforesaid Act of January 29, 1818.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 23, 1913.

*Permit to Collect Garbage; Piggery Outside Limit Fixed
by Councils.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 18th inst., enclosing a communication to you from Francis Shunk Brown, Esq., requesting that the Board of Health issue a permit for the collection of garbage to Mr. John Johannis, whose piggery is stated to be about 10 or 12 feet beyond the line fixed by ordinance of June 24, 1912, for the maintenance of piggeries. Mr. Brown suggests that there is sufficient discretion in the Bureau of Health to

justify the issuance of the permit as the piggery is so close to the line, and you ask the opinion of this Department in respect to such suggestion.

The ordinance of 1912 definitely fixes limits within which piggeries may be maintained, and does not give any discretion to the executive officials in regard thereto. While the method of enforcing this ordinance is by procedure for the penalties prescribed by Section 3, and while the ordinance has no bearing upon the question of issuing permits for the collection of garbage, it would unquestionably be inadvisable to issue permits to men so that they would be enabled to violate under color of a permission from you, any ordinance of Councils.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 23, 1913.

Care of Indigent Children.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 11th of June, informing me that twenty-four indigent children have been committed to your Department on the petition of the Pennsylvania Society to Protect Children from Cruelty. These commitments were made under a recent opinion of his Honor, Judge Staake. You ask me whether, in view of the fact that Councils have failed to provide you with funds or a building in which to keep and maintain children so committed to you, you should decline to take them until sufficient appropriations are made.

I advise you that it is your duty to obey the order of the Court. Your refusal to do so would place you in con-

tempt with all the attendant consequences of such a situation. Though the power to make transfers and commitments of indigent children to your Department is in the Courts, they may in their discretion refuse to do so when the best interests of the minors require such a refusal. When the present transfers and commitments were made the fact of your inability to maintain the children was made known to the Court, and that tribunal exercising the discretion vested in it withdrew them from the custody of the Society which was then maintaining them and committed them to you. You have endeavored to secure funds from Councils to discharge the obligation to maintain indigent children which the Legislature has placed upon your Department, and the omission of that body to make an appropriation for the discharge of this duty cannot be imputed to you; nor are you subject to criticism for obeying the imperative command of the Court and receiving the children, though you are admittedly unable to care for them.

I understand that the only institution now in your control where these infants can be placed is the Philadelphia General Hospital for the Insane and Home for the Indigent, and the Act of Assembly has forbidden you to put them there except for a period of temporary detention.

Of course, injurious consequences may follow the enforced association of young children with the unfortunate inmates of that institution, but you are confronted by the alternative on the one hand of placing the children there, and on the other, by refusing to receive them, of abandoning them in the streets to the mercy of chance and charity. Under these conditions your higher obligation to the laws of humanity would excuse you in ignoring the mere prohibition of the Legislature. Your duty to obey the commitment of the Court and receive the children is imperative, and having received them, you must be guided by the necessities of the situation.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 25, 1913.

A. MERRITT TAYLOR, ESQ.,
Arcade Building, Philadelphia.

DEAR SIR:—Permit me to acknowledge the receipt of your communication of the 23d inst., in relation to the lease of office space for the Department of City Transit in the Philadelphia Bourse. Under the terms of the Act creating this Department, your signature as Director would not be effective until July first, and the lease itself under the terms of the ordinance authorizing you to enter into it, is for a period of two years and not continuous, as suggested in the form forwarded, I will have the matter taken up with the Conveyancing Department of this office with the representative of the Bourse, and advise you in ample time.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 25, 1913.

*In re Payment of Charges for Repaving Wayne
Avenue, Etc.*

MORRIS L. COOKE, ESQ.,
Director, Department of Public Works.

DEAR SIR:—I received a few minutes ago a letter dated June 21st, signed by the Chief of the Bureau of Highways, and approved by you, setting forth that the Mack Paving and Construction Company has executed contracts for the repaving of Wayne avenue, from Roberts avenue to Manheim street, and for the paving of Tibben street, from Fountain to Lemonte, and Pratt street, from Willow

to Frankford avenue, and stating that these contracts were executed April 4, 1913; that they are held here pending the payment of charges, and asking me to forward the contracts to you with the bills for the charges, and that you will withhold a sufficient amount from the first payment on each contract to pay our charges.

In reply thereto, permit me to say that the three contracts were executed as of the date you mention, and that they remain in this office in accordance with the ordinance of Councils governing the preparation of contracts, and that the amount due thereon has not been paid. The charges amount in all to seventy (70) dollars. I cannot deliver these contracts as proposed by you, because to do so would be to violate the law, and it would not be in your power to deduct, as you propose, any sum from the warrants that the contractors would be entitled to for work that had been done by them. If these contractors do not desire to comply with the law then I advise you to cancel the awards made to them and enter into new contracts with some one else, and as soon as you have so done I will proceed against them and their surety under the contract-bond executed by them. There is no reason whatsoever why the fees as fixed by law should not be paid by these contractors. They are entirely familiar with the charges and have paid them year after year.

I regret that I am compelled to decline to comply with your request.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 26, 1913.

HON. RUDOLPH BLANKENBURG.

Mayor of the City of Philadelphia.

DEAR SIR:—In reply to your letter of the 23d inst., in relation to the Newton property, stating that while the

asking price is one hundred thousand dollars (\$100,000), you think it would be a good purchase for the City if we could get it for ninety thousand dollars (\$90,000), and let it be occupied as a factory until we are ready to build the Parkway, permit me to say, that only an exceedingly small portion of the property is within the lines of the Parkway. All of the property, including the factory buildings and the recent purchases, is assessed under the 1909 assessment for fifty-one thousand two hundred dollars (\$51,200). Even under the 1913 assessment the factory buildings and original holdings are assessed for thirty-five thousand three hundred dollars (\$35,300), and the recent purchases for twenty-three thousand seven hundred dollars (\$23,700), or a total of fifty-nine thousand dollars (\$59,000) for everything. We have been buying property all around here, and within the lines of the Parkway proper, for the 1909 assessment plus ten per cent. We have told the owners that was all we would pay, and they relied upon our statement. The Parkway Commission has on hand a balance of only about one hundred and fifty thousand dollars (\$150,000), and for us to now pay out two-thirds practically of this entire balance for a property almost entirely outside the Parkway lines does not commend itself to my good judgment, and to pay a price such as demanded in this case seems to me indefensible.

During 1912 and 1913 we have made very great progress in the acquisition of properties, and I am in favor of continuing the plan of purchasing the smaller holdings.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 27, 1913.**Disposition of Garbage at Plants Outside City.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of this date from the Chief of the Bureau of Highway and Street Cleaning, approved by the Assistant Director of your Department; transmitting a telegram from New York which inquires whether the “laws, City of Philadelphia, make bid illegal to collect garbage and dispose at reduction plant outside of City, hauling by scow.”

There is nothing in the specifications for this proposed contract, copy of which is sent me, which bears upon the disposal of the garbage, except paragraph 11 of the “Information to Bidders,” and which does not forbid the course proposed.

I find no law or ordinance which would make such disposition of the garbage illegal, and I would therefore suggest that the telegram be answered negatively.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, June 27, 1913.**Definition of Term “Glass Housings.”*

HOLLIS GODFREY, ESQ.,

Chief, Bureau of Gas.

DEAR SIR:—This Department is in receipt of your letter to Mr. Lowengrund, Assistant City Solicitor, asking for a legal definition of the term “Glass Housings.”

I fear I will be unable to give such a definition as no legal definition of these words exists. On the contrary, I should take the term to have a trade significance and the definition to be found in the usages of the business in which the housings are required.

You state that it is desired to make use of this term in future specifications. If there is any ambiguity with respect to the exact meaning of the words, I would suggest that they be not employed, and that some word or words of a more determinate significance be substituted, or that the words be accurately defined in such specifications.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 27, 1913.

In re City's Water Supply.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 24th inst., stating that certain manufacturers use unfiltered water and also are supplied with filtered water, the pipe carrying the City's filtered supply being separated from that carrying the unfiltered water only by a check-valve; and that the recent increase in typhoid fever, the authorities of the Board of Health and the Water Bureau suggest, is probably caused by this contamination, and that in this view they are supported by the State Board of Health.

You state the judgment of your Department to be that there should be no physical connection between the piping carrying the filtered and unfiltered water, and that it is a well-known fact that the best of valves will leak at times; and you inquire whether the City has any redress

against manufacturers who maintain connections which you believe to be prejudicial to public health and which make more difficult the maintenance of the City's water supply at the proper level of purity.

In order to answer questions of citizens, you also ask whether a person who has contracted typhoid fever in a certain district could recover in a suit for damages against a manufacturer who had maintained a connection of this kind through which it could be shown that unfiltered water had passed into the City's mains.

The latter question is one which I think the City, in its corporate character, should not be called upon to answer, as it would effect private litigation between individuals in suits in which the City as a municipality is not immediately concerned.

In answer to your first inquiry, I may say that the filtration system of the City has been constructed at an expense of many millions of dollars for the "improvement, extension and filtration of the water supply." The work of constructing the filtration beds, etc., was entrusted by ordinance of July 18, 1902, page 198, to a Bureau of Filtration, which was abolished by the ordinance of October 15, 1907, page 329, the charge of the work being transferred by that ordinance to the Bureau of Water. By ordinance of January 12, 1900, the Director of the Department of Public Works was authorized to enter into contracts for the construction of a filtration plant, and under ordinance of March 15, 1900, page 73, a loan of \$12,000,000 for this purpose was incurred. Many other ordinances were subsequently passed under which large sums were borrowed and devoted to the construction of a plant for the filtration and purification of the water supply, the purpose being not only to furnish the inhabitants of this vast City with pure and palatable water, but to safeguard and preserve the public health by diminishing or entirely ridding the City of various diseases which a contaminated system of water supply was calculated to cause, especially the disease of typhoid fever and other like germ diseases which peculiarly result from the consumption of impure water.

This purpose is in accord with the general trend of modern legislation. As early as 1866, by Section 4 of the Act of April 11th of that year (P. L. 637), it was provided that any person who should wilfully destroy or injure the pipes, aqueducts, cisterns, reservoirs, hydrants, or any of the works belonging to this City for the supply of water, or who should wilfully corrupt or otherwise render unwholesome the sources of such supply, or should "in any way pollute or render noxious or offensive the said water," should be liable to a pecuniary penalty of from five to one hundred dollars.

By Act of May 2, 1899 (P. L. 176), which was a supplement to the Act establishing a State Board of Health, that body was given ample powers to prevent the pollution of the water supply of cities of the first class, and by Act of April 22, 1905 (P. L. 260), further powers were given to the State authorities to preserve the purity of the waters of the State for the protection of the public health.

Again, by Act of May 2, 1905 (P. L. 350), cities of the State owning and operating systems of water works were authorized to enter upon private lands through which any streams might pass, supplying such cities for the purpose of controlling the drainage area and making investigations or inquiries pertaining to their condition; and by Section 2 of the Act of May 7, 1907 (P. L. 167), municipalities were authorized to acquire and hold lands contiguous to the streams of water or reservoirs from which water should be taken for public use to such extent as might be necessary to preserve them from contamination.

Many other statutes have been passed with like purpose and intent, and it cannot be doubted that the public policy of preserving the purity of the water supply to this City can and should be maintained. As already stated, vast sums of money have been expended in the artificial purification by filtration processes of the water supplied to and consumed in this City, and I have no doubt that the municipal authorities would be sustained in any legitimate and reasonable effort to preserve the purity of the water from contamination. If, therefore, it can be shown in any in-

stance that by the construction of pipes carrying unfiltered water and those through which filtered water flows, and by reason of the imperfect separation of the one from the other, or otherwise, the unfiltered water is permitted to mingle with the filtered water which is being supplied to the community and thus to contaminate and make it impure, thereby effecting or threatening the public health, I am of opinion that a discontinuance of such conditions could be secured by action on the part of your Department; or if that should prove ineffective, by resort to the Courts in proper proceedings to be instituted for that purpose.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, June 30, 1913.

Construction of Contract with Edward Fay & Son.

W. D. CHAMPLIN, Esq.,

Executive Secretary, Board of Recreation.

DEAR SIR:—I am in receipt of your inquiry as to the proper course to be pursued in reference to the contract between the Board of Recreation and Edward Fay & Son for the erection of a certain building for playground purposes for the Board of Recreation.

It appears therefrom that a number of items covered by the contract and specifications have not been completed by the contractors according to your contention, and that a dispute has arisen with respect to these items the principal one of which is the grading of the playground area, in accordance with the elevation as shown on the plans. The contractors contend that a change was made by your direction with respect to this grading, which contention I understand you do not admit.

The final letter from Messrs. Fay & Son ask that you furnish them with a list of the omitted details. Such a list has already been given to them, but as some work seems to have been done since then I think it would be advisable to furnish to the contractors the particulars desired. If, after a reasonable interval, they shall neglect or refuse to do the necessary work of completing the building in accordance with the specifications, notice should be given them under the clause of the contract which provides that

“shall the said parties of the second part, in the opinion of the said Board, be prosecuting the said work with an insufficient stock of materials for the prompt completion thereof within the specified time, or be improperly performing the said work, or shall they neglect or abandon it before completion or unreasonably delay the same, so that the conditions of the contract are being wilfully violated or executed carelessly, or in bad faith, or shall they neglect or refuse to renew or again perform such work as may be rejected by the said Board as defective or unsuitable, or shall they in any other manner, in the opinion of the said Board, make default in the performance of this contract, then and in any such case the Board shall promptly notify the said party of the second part in writing of such neglect or default. If such notification be without effect within twenty-four hours after the delivery thereof, then, and in that case, the said Board may notify the said parties of the second part to discontinue all work under this contract; and the said Board shall thereupon have full authority and power immediately to purchase such materials, tools and machinery, and to employ such workmen as, in their opinion, shall be required for the proper completion of the said work at the cost and expense of the said parties of the second part or their surety, or both.”

You will notice that the action of the Board is required before giving either the first or the second notice provided

for as above, and such action should be formally taken at a meeting of the Board.

By the specifications similar notices to be given by the architect are provided for, and if, as you have orally advised this Department, it has become practically impossible to secure formal action on the part of the Board because of the absence of the members for the Summer which will prevent the attendance of a quorum at any meeting, I would advise you, if the case be urgent, to resort to this method of proceeding; that is, by notices to the contractors from the architect, as provided for in the specifications under Clause 7 or Clause 10.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 2, 1913.

CYRUS D. FOSS, JR., ESQ.,

Secretary to the Mayor.

DEAR SIR:—In reply to your communication of July 1st, inquiring concerning the oath of office of the Transit Commissioner, permit me to refer you to the ordinance of June 13, 1882, page 171, which prescribes the oath to be taken by all City officials, whether heads of Departments, Commissioners or Trustees. This ordinance also directs that the oath shall be filed in the office of the Clerk of Councils.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 2, 1913.**Claim for Water Used for Building Purposes.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of an inquiry from the Chief of the Bureau of Water, approved by the Assistant Director of your Department, with reference to a claim of \$29.70 for the use of water for building purposes at premises consisting of twenty-seven two-story houses between Fifty-fourth and Fifty-fifth streets and Whitby and Thomas avenues, the permit for which was issued on October 6, 1911. The letter from the Chief of the Bureau is accompanied by a letter to you from Franklin S. Edmonds, Esq., from which it appears that the houses in question were in course of erection by John McGraw who died insolvent in October, 1911, the completion of the houses being guaranteed by the Tradesmens' Trust Company which has also become insolvent. Thereafter the operation was idle for a year. "Eventually, by agreement between the security holders and sub-contractors, title to the premises was turned over to Charles I. Cronin and myself (Mr. Edmonds), as trustees, to complete the houses, market the same and to apportion the loss per ratio."

Mr. Edmonds takes the ground that this bill was contracted by Mr. McGraw for his personal benefit and is due only from his estate. In this view I do not concur. The charge is one for water rent under the ordinance of July 27, 1901, page 260. The premises benefited by the use of the water have come into the hands of Messrs. Edmonds and Cronin as trustees, to be sold and the proceeds apportioned among those entitled thereto.

In my judgment the claim for this water rent should be presented to the said trustees, if this has not already been done, and should be insisted upon as payable from the

proceeds of the houses. If the trustees take a contrary view the question can doubtless be judicially settled whenever their account shall be filed and audited.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 5, 1913.

Memorial Hall Instead of Monument for G. A. R.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 2nd inst., enclosing resolution of the Wm. L. Curry Post No. 18, requesting that the money borrowed by the City for the erection of a Soldiers' and Sailors' Monument be used instead for the building of a Memorial Hall in which to allow the Grand Army Posts of the City to hold their meetings. You inquire as to the feasibility of making this change.

I would say that money borrowed for the purpose mentioned cannot be diverted in the manner proposed, but in order to answer your inquiry more definitely I would be glad to be referred to the ordinance under which the loan was authorized.

The City Controller informs me that there has been no money borrowed for a Soldiers' and Sailors' Monument excepting the \$100,000 authorized by ordinance of June 19, 1911, which is "for the erection of a Soldiers' and Sailors' Monument and preparation of a History of Philadelphians engaged in War." This cannot be the money you refer to as borrowed for a Soldiers' and Sailors' Monument in Logan Square, for you say that it "was borrowed over ten years ago, so that it has already cost the City about \$50,000 in interest charges."

If you desire a further reply to your inquiry kindly let me know the date of the ordinance under which the money to which you refer was borrowed.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 8, 1913.

*In re Title to Land South of Oregon Avenue, East of
Broad Street, Between Government Avenue and Back
Channel.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

MY DEAR SIR:—I acknowledge receipt of your letter of the 3rd inst., in which you ask my opinion as to whether, in case the United States Government should sell the land owned by it south of Oregon avenue and east of Broad street, between Government avenue and the Back Channel, the land would revert to the City or to those who preceded the City in the title.

Permit me to say that the land between the low water mark of the Back Channel and Government avenue was owned absolutely and in fee by the City of Philadelphia. Title was conveyed by the City to the United States of America by deed dated December 12, 1868, and recorded in Deed Book J. T. O. No. 202, page 16, and the Government of the United States may reconvey this land to the City of Philadelphia or to any one else absolutely.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 9, 1913.

CYRUS D. FOSS, JR., ESQ.,
Secretary to the Mayor.

DEAR SIR:—I acknowledge the receipt of your communication of July 9th, written on behalf of the Mayor, in relation to the compliance with the decisions of the Supreme Court in the matter of the Cheltenham Trust Company and the similar ordinances pending—the petitions and bonds for the carrying out of which having been forwarded by me to the Mayor.

In reply thereto, permit me to say that, to those who have made inquiry, I have answered that the law would be complied with immediately.

I call your attention to this language made use of by the Supreme Court in its opinion: There “is a clear imposition of ministerial duties upon the Mayor and the City Solicitor by the legislative branch of the City, fully authorized to impose them.” And again, referring to the particular ordinance then under consideration, and referring to the Mayor:

“his duty is to recognize it as a valid existing municipal enactment giving a clear right to the appellee and imposing a correspondingly clear duty upon him and his co-defendant. * * * While the ordinance does not specifically state when security shall be entered by the Mayor and proceedings instituted in the Court of Quarter Sessions by the City Solicitor, neither of these officials is to be permitted to postpone indefinitely what they are directed to do. They or their predecessors ought to have acted within a reasonable time after the approval of the ordinance, *for it took effect immediately.*”

In view of this decision, I believe it my duty to forthwith proceed, and I so believe it to be the Mayor's duty. A moment's reflection will tell to you that there is no

similarity between this sort of cases and that of a judgment obtained against a defendant, but even there, no notice whatsoever is required to be given to the defendant. Where judgment has been rendered, an execution shall issue forthwith.

Very respectfully yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 9, 1913.

In re Feeble-Minded Girl at the Age of Sixteen Years.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your communication of June 27th, inquiring whether a feeble-minded girl, sixteen years old, committed to you by a Magistrate after conviction of her guardian of neglect, comes within the provision of the twelfth section of the Act of June 11, 1879, P. L. 142. That section authorizes the commission to you of "any infant unable to support itself," whose parents or proper guardian had been convicted of the offences enumerated in that Act. The word "infant" in this case applies to any child under twenty-one years of age who is unable to support herself.

I am therefore of the opinion that the commitment in this case comes within the provisions of the Act of 1879, so far as the age of the child committed is concerned.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 9, 1913.**In re Contract for Paving, etc.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter of Chief of the Bureau of Highways, approved by you, stating that there has been difficulty in relation to paving and repaving contracts because that Bureau has been unable to obtain a bid on the annual contract for setting curbs, as required by ordinance of February 11, 1889, page 12, which work has been advertised for bids three times without result. In view of this fact, inquiry is made whether, after giving the notice required by ordinance to property owners to set their curbs, upon failure by them to do so, it would not be proper to have the curb set by the contractor for paving separate streets who includes in his bid a price for the curb setting, instead of having the work done by the contractor for doing all such work for the year, liens to be filed against the abutting property in the usual course.

I fear that the method of procedure suggested is of questionable legality. The ordinance of 1889, which authorizes the doing of the work at the expense of the property owners and the filing of liens therefor, specifically provides for entering into an annual contract for all such work, and further expressly requires, upon the failure of the owners to comply with the notice, that the Director of the Department of Public Works shall "cause the necessary work to be done under the contract entered into in accordance with the provisions of this ordinance."

I would recommend that as soon as Councils meet again an effort should be made to have the ordinance of 1889 amended so as to cover the contingency which seems to have arisen. In the meanwhile, I would suggest that as little of this work be done as the urgency of the re-

quirements in given cases will permit, so as to avoid the defence against liens filed for the expense of the work to the effect that it was not done under contract as authorized by the ordinance.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 9, 1913.

In re Purchase of Wharf Property from Pennsylvania Railroad.

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I acknowledge the receipt of your letter of July 8th, in relation to the ordinance approved June 10, 1913, authorizing the purchase from the Pennsylvania Railroad of certain wharf property. Without commenting upon your various recitals, permit me to say:

First. This is a matter of conveyancing, and it is the custom in Philadelphia for the vendor to give to the vendee the old deeds and title papers in order that the new deed may be prepared. This Department has not yet received from the Pennsylvania Railroad its deed. Notwithstanding this, from the brief of title sent to us, we have gone ahead and requested the title company to proceed with the searches, so that there would be a minimum of delay. Preceding the conveyance, the ordinance of Councils prescribes the making by you and the railroad of a formal agreement, the terms of which are set forth in the ordinance. You may have entered into it, but if so, I have not received notice. Assuming that you may have overlooked this, I send you herewith two copies which should be signed by you and the railroad

company, and when so signed, should be recited in the deed.

Second. The Pennsylvania Railroad informs this Department that, before it can complete title, there will have to be released by its trustees the lien of the general mortgage of the Pennsylvania Railroad, and, in addition, there will have to be satisfied of record or released at least two other mortgages held by outside parties for one hundred thousand (100,000) dollars each, covering also other properties. The Pennsylvania Railroad also informs this Department that the Southern Steamship Company is a lessee from the railroad company of Pier 41, and that it may take three months to have the Southern Steamship Company vacate. Under the law and practice of this Department, before the City may pay money and acquire title, all incumbrances must be removed and possession given.

As quickly as possible the conveyance from the railroad to the City will be completed, and this office is promptly performing, without any delay, every duty imposed upon it by law or ordinance or that is asked from it by any one in authority.

Very respectfully yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 10, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—Your letter of the 9th inst., stating that Mr. Joseph D. Ellis, an owner of river front property in the southern portion of the City, approached you on a proposition to sell the property to the City on the basis of a conveyance to a "straw man" on a four per cent. ground rent, and then the "straw man" convey to the

City subject to the rent, and stating that he claims that by this arrangement the principal of the ground rent should not be a municipal indebtedness, has been received.

I have at various times expressed my views in relation to schemes of this character, and you will find them particularly and in detail set forth in the published volume of the Opinions of the City Solicitor, page 124, under date of March 29, 1912. This opinion was published in full in the Legal Intelligencer of April 5, 1912, and I believe it has received the acquiescence of members of the Bar conversant with the subject. Since then, I have been confirmed in my views by the decision of the Supreme Court upon kindred topics.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 10, 1913.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 8th inst., asking whether, under the Act of June 7, 1911, P. L. 668, "to restrain and regulate the use of billiard, pool and bagatelle tables," etc., you are required to deposit with the Receiver of Taxes the ten dollars paid by applicants for licenses to run such tables, or if the words "the applicant or applicants shall pay to the said Director the sum of ten dollars for expenses connected therewith as provided for in this Act," authorize you to retain this sum in a separate fund, for the purpose of paying for the printing, advertising and other expenses, and to pay over any balance to the City Treasurer.

By Act of June 1, 1885, Art. 15, P. L. 54, it is provided that:

"No officer or employee of the City shall collect any fees or perquisites for his own use, *but all such fees or perquisites* now collectible under the law *shall be paid into the City Treasury*, and Councils, by ordinance, shall provide for the payment of proper salaries to all officers and employees of the City, except for such of them as it is herein provided shall serve without compensation."

The sum paid by each applicant for a license is similar to the fees paid to the Sheriff under the fee bill "for advertising personal property to public sale," or "for advertising real estate to public sale by handbills," which fees are required to be paid over to the Treasurer under the provisions of a law similar to that quoted above.

It is clear, therefore, that you are obliged to pay over to the Treasurer the sum collected from the applicant for license, unless the words "for expenses connected therewith" give you the authority to make disbursements and pay bills out of the amount received.

A similar question arose in regard to the laws relating to the granting of liquor licenses by which it was provided (Act of July 30, 1897, P. L. 464, 469) that:

"Every person intending to apply for license as aforesaid * * * shall file with the Clerk of the Court of Quarter Sessions, of the proper county, his, her or their petition, * * * and shall, at the same time, pay said clerk five dollars for *expenses connected therewith*; and said clerk shall cause to be published two times in three newspapers designated by him * * * a list containing the names of all such applicants, their respective residences, and the place for which application is made; and the cost of the publication shall not exceed the usual rates * * * provided, the amount to be paid for such advertisement shall not in the aggregate exceed the five dollars provided in this section to be paid by such applicant for expenses."

Under this provision arose the case of *Schuylkill County vs. Shoener*, 205 Pa. 592 (1903), where it was held that the fee which the Act requires the applicant to pay when he files his petition is a fee of the office and, like all other fees, belongs to the County. The defendant Shoener, who was Clerk of the Courts of Schuylkill County, refused to pay over to the County Treasurer the fees collected from this source, contending that the Act of Assembly created the money thus collected as a special fund for the expenses of advertising and his own legal expenses incident thereto, and that, after paying all expenses out of the fund, the balance remained due to him, and was not an earning of the office under the meaning of the Salary Act.

On the other hand, it was claimed that the fee should be paid into the Treasury as an earning of said office, and that all legal expenses as provided for by the Act should be paid out of the County Treasury and charged up against the earnings of the office as any other item of expenses arising from said office is paid and as any other fees earned by the office are made a credit thereof. Suit was brought by the County for the fees thus retained and judgment was rendered against defendant for the amount of same, which judgment was afterwards affirmed by the Supreme Court. Judge Marr says in his opinion (at page 595):

“By paying said fees into the County Treasury and having all legitimate expenses authorized by the Act paid out of the County Treasury, the money collected and all expenses connected therewith can be appropriated and paid by the proper officers in accordance with the provisions of the Salary Act, and thus preserve a harmonious system of accounts.”

And in *Commonwealth vs. Fry*, 183 Pa. 32 (1897), it was decided that the five dollars, which is required by law to be paid to the Clerk of the Quarter Sessions by applicants, is a “fee” collected by the Clerk and an official receipt of the office, notwithstanding the Act of

Assembly designated the payment as being made "for expenses" connected with the issuance of the license.

I am therefore of opinion that the sum collected from each applicant should be paid over to the City Treasurer.

Yours truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1913.

Payment of Per Diem Employees—Vacations, Legal Holidays.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of July 9th, in which you state that Councils recently passed an ordinance, which is now before the Mayor, authorizing the several Departments to give one week's vacation to all per diem employees and to allow them sick leave not in excess of one week, and to pay for all legal holidays. This was done by resolution, not by ordinance.

You also state that at the session of the Legislature just closed you understand a bill was passed authorizing the payment of per diem employees, when engaged in the City's service, not to exceed thirty days, and with reference to the subject, you make several inquiries. Before taking them up specifically, I may say that until the resolution concerning which you inquire shall be signed by the Mayor, or passed over his veto, it should not affect the action of the heads of Departments in any manner whatsoever. The subject of vacations to per diem employees is, however, provided for by existing action of Councils. Thus the resolution of July 13, 1911, page 256, provides:

"That the head of each and every Department, Bureau, Division and branch of the City Government be, and is hereby requested, if possible, to arrange upon an equitable basis a vacation during the summer months for each and every regular employee under his control: *Provided*, That such vacation shall not interfere with the complete and proper conduct of the service and shall not necessitate the employment of additional help or the increase of any salary or wage item."

The resolution concerning which you inquire, as has already been seen, goes further and provides for payment to regular per diem employees for all legal holidays and for disability or sickness contracted while in the employ of the City for a period not exceeding thirty days. The Act of Assembly to which you refer, approved June 12, 1913, is to the effect that cities of the first and second classes are authorized to pay all persons in their employ during absence from their employment caused by injuries, sickness, or disablement of any kind sustained in the performance of their duty, provided that such compensation shall only be equal to the amount of wages or salary the recipient would have been entitled to during the period of absence from his employment, and never for a period of time to exceed one year. This Act does not compel cities to make the allowance provided for, but permits them to so do. Hence, if the resolution now before the Mayor should become effective, it would, in my judgment, be valid and in accordance with the law, and it would therefore be the duty of the heads of the Executive Departments to conform to its provisions.

Taking up your several inquiries, "Will you kindly advise me whether, in view of this ordinance"—

"(a) We have a right to pay all per diem men for all legal holidays, including Sundays?"

If the resolution shall not be vetoed you would have a right to pay all regular per diem men for all legal holidays, but this does not include Sundays.

“(b) Must we give one week’s holiday to every per diem employee, irrespective of the character or length of their service?”

The resolution provides for a vacation of one week for “all regular per diem men employed by the City of Philadelphia.” Any employee who comes within this characterization is entitled, under the terms of the resolution (if it takes effect) to one week’s vacation.

“(c) Should you decide that the carrying out of the spirit of this ordinance does not conflict with State legislation, would I be warranted in drawing up rules carrying out the spirit of the ordinance without putting it literally into effect?”

In my opinion the spirit of this resolution does not conflict with State legislation. I do not understand precisely what is intended by this inquiry. Any rules which may be drawn up should be so framed that every man entitled to the privilege conferred upon him by the resolution shall not be deprived of it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1913.

*In re Payment for Sprinkling, Out of Item for Hire of
Teams for Maintenance of Streets and Roads.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of an inquiry from the Chief of the Bureau of Highways and Street Cleaning, approved by you, whether the sprinkling of highways can be paid for from an item of appropriation for hire of

teams for maintenance of all classes of streets and roads. As the Chief of the Bureau states, sprinkling may well be considered as a part of the maintenance of paved streets and macadam roads, and if the appropriation were simply for maintenance, a part of the money might in my judgment be so used, but the ordinance sets aside the money for hire of teams for maintenance, etc., and while it may be said that a team of horses is commonly used to move a sprinkling cart, and hence in one sense such expenditure might be said to be for the hiring of teams, yet it seems clear that this was not the kind of hiring of teams which Councils had in view, and I therefore feel that it would be an undue strain of the language used to apply it for the purpose proposed.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1913.

In re Ordinance for Improvement of Country Roads.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I beg to acknowledge receipt of the letter of July 7th from the Chief of the Bureau of Highways and Street Cleaning, which you personally brought to this Department and which inquires whether, under ordinance of June 19, 1913, the Chief of the Bureau would be justified in disregarding the direction to improve the country roads mentioned to a width of 16 feet, and in lieu thereof to do the work at such width as may be required, whether eighteen, twenty, or such other number of feet as may be necessary.

I have examined the ordinance referred to and find that the authorization is "to enter into contracts for the

improving of the following country roads to a width of sixteen feet." The subject is one with which Councils have the right to prescribe such limitations as they may deem proper, and the provision fixing the width at sixteen feet is an integral part of the ordinance. It is quite possible, as the Chief of the Bureau suggests, that these words are simply used as a form in pursuance of "old ordinances calling for country road work when traffic conditions were very different from they are to-day." Nevertheless no authority exists to resort to such considerations for the purpose of nullifying the plain directions of an ordinance.

If it be practical, I would suggest that the work be done on these roads which may most properly be improved to the width stated, leaving the others so far as is possible, until Councils shall reassemble, when the matter may be brought to their attention with a request that the terms of the ordinance be modified.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1913.

Item for Rent of Equipment for Repairing Streets and Roads.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the Chief of the Bureau of Highways and Street Cleaning, approved by you, stating that it is not practicable to advertise for contracts for steam rollers and road scrapers, as only certain individuals and concerns have this equipment, and inquiring whether such advertising might be dispensed with and contracts entered into in the absence thereof.

Reference is made to the approval of this Department to the same course being followed last year. I assume that this refers to the opinion rendered on May 23, 1912, which will be found on page 219, Opinions of City Solicitor, for that year. You will note that the dispensing of advertisements for contracts was in that instance assented to with considerable doubt and hesitation and as a mere temporary expedient, until a pending ordinance might be passed and then only "if the necessity for immediate action be urgent." Moreover, that opinion was concerned principally with the character of the appropriation. I do not think it should be used as a precedent for disregarding the Act of 1874, which positively requires contracts for work and materials for the City to be entered into with the lowest responsible bidder. If it turn out that no such bidder can be obtained, it would be quite proper to enter into a contract without previous bids, but as a matter of regular practice, the better course would be first to advertise in the usual manner and make the effort to obtain bids rather than to assume in advance that they cannot be had.

While the ordinance of June 12, 1912, page 136, authorizes your Department to hire steam rollers, scrapers, etc., at a per diem rate, this does not imply that bids are not to be invited for supplying these articles. Indeed, it would not be in the power of Councils to so provide, as the requirement is statutory.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 11, 1913.

In re Acquisition and Dumping of Dredged Material.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of July 10th, in reference to a proposed contract for the deposit of ma-

materials dredged from the Delaware river in the southern part of the City at a price of three and seven-tenths cents per cubic yard. It appears that under an act of Congress, dredging operations were authorized by the United States in the Delaware river. The City of Philadelphia being in need of the dredged material, the commandant who invited the bids on behalf of the United States was requested to draw his specifications so that the contractors would quote a price for placing the dredged material in South Philadelphia; the bids being opened on the day following the adjournment of Councils. As a result of this bidding, 1,200,000 yards of the material are to be disposed of, and at the bid price for depositing it where needed in South Philadelphia, the total cost would be \$44,400. There will be needed approximately 150,000 yards for the Southern Boulevard and a much larger quantity for League Island Park. In 1909, the City entered into a contract (now superseded) for the further improvement of League Island Park, under which a price of sixty-two cents per cubic yard was paid for the deposit of similar material, at which rate the present supply of the dredged material would cost more than a million dollars in addition to what the City will be required to pay at three and seven-tenths cents per cubic yard. You state that you are naturally desirous of obtaining for the City the advantage of this large saving, and inquire as to the availability of various appropriations for use for that purpose. Among others, you refer to the sum of \$500,000 now available for League Island Park, and ask if it can be used in the manner suggested without specific authorization from Councils.

I assume that this inquiry relates to the sum of \$500,000 borrowed under ordinance of June 19, 1911, page 220, "for continuing the work of improving League Island Park," and which was appropriated for that purpose by ordinance of July 21, 1911, page 286, to the Department of Public Safety, Bureau of City Property, which Bureau has now become a part of your Department. I do not think that any further action of Councils is necessary to authorize the payment for so much of the material in question as is to be used for the improvement

of League Island Park out of this fund; the appropriation of July 21, 1911, being complete and sufficient. With respect to the 150,000 yards to be for the Southern Boulevard, if a similar appropriation is available this material may also be secured without further action of Councils.

The difficulty in entering into an agreement or arrangement in the manner proposed without specific advertisement for bids by your Department, remains to be considered. While the law is mandatory that contracts for the supply of work or material to the City are to be entered into only with the lowest responsible bidders, yet it has been held by the Supreme Court of this State that where work or material can be obtained only from one source, the obligation to invite bids may legally be dispensed with. The circumstances in the present instance are unique and come very close to bringing the case within the principle thus adopted. In addition, bids for the work have actually been invited by the United States under arrangement and in co-operation with your Department. In view of these peculiar circumstances, I am inclined to the opinion that the statutory requirement may well be considered to have been complied with substantially and for every practical use, even though the bids were advertised for by the representative of the United States Government, since that action and its results have been adopted by your Department as if originally taken by it.

I would therefore advise you that you may take steps for entering into a proper contract for the acquisition and dumping of the dredged material in the manner suggested.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 14, 1913.**Drawing of Sewer Contracts.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letters of the Chief of the Bureau of Surveys, approved by the Assistant Director of your Department, asking that nineteen contracts be drawn for branch sewers in various locations.

The contracts have been drawn in accordance with said requests, but I learn that the work is to be paid for from the proceeds of the recent loan. No part of the proportion thereof which has been borrowed has, however, as yet been allotted to your Department for this purpose. It is therefore impracticable and impossible that the contracts can be executed as there is no fund against which they may properly be charged.

I would suggest that you communicate with His Honor, the Mayor, so that the necessary allotment from the proceeds of the loan may be made in pursuance of the policy under which the responsibility of apportioning the money already borrowed has been assumed by him.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 14, 1913.**Storage and Destruction of Examination and Application Papers.*

FRANK M. RITER, Esq.,

President, Civil Service Commission.

DEAR SIR:—I am in receipt of your communication of July 8th, inquiring whether application and examination

papers filed prior to March 5, 1906, and between that date and January 1, 1908 (excepting those relating to persons who are now in the employ of the City), may be destroyed. You state that the crowded condition of your record room renders such a course desirable.

With respect to the papers of a date prior to the passage of the act creating the Commission, they would seem to have no relation to your body, but to be the records and property of the City of Philadelphia. If the City deems it proper to destroy them it may so direct, but you could scarcely justify your action in destroying property of the City which you possess only as custodians. The papers are records of a branch of the municipality during nineteen years of its existence and should be destroyed only upon the direct authority of Councils.

The application and examination papers for the period from 1906 to 1908 are perhaps in a somewhat different position, as they are records of your own body and you have control over them. Nevertheless, they may have considerable statistical, historical, or other value at some time, and I believe they should be preserved if this be in any way possible.

May I suggest, however, that instead of storing these papers in City Hall, where space is so valuable, the basements of one or more of the police stations, or other unoccupied City property, be temporarily placed at your disposal for the purpose. I would further suggest that when Councils reassemble in September, the subject be brought to the attention of those bodies, with such recommendation from your Board as may be deemed desirable.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 15, 1913.**In re Contract With Edith Gifford.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of a draft of a proposed contract between the Board of Health and Edith Gifford, for the release of certain property from the operation of a former contract between the same parties, dated March 29, 1897, under which a drain was permitted to be laid and maintained from certain premises on Lehman street, which was the property of Mrs. Gifford, together with maps relating thereto.

You ask whether the said contract was properly prepared for execution.

Since the Department of Public Health and Charities was organized as a branch of the City Government under the Bullitt Act and its Amendments, the Board or Bureau of Health being a subordinate division of that Department, I doubt its right to make contracts of this character, which are executed in its own name as if that Board were a separate entity and not a branch of the City Government. If the proposed contract, therefore, were an original one, I should be disinclined to assent to its execution. As its effect, however, is only to undo in part that which has already been done by the earlier contract made in the name and on the authority of the Board of Health—while this Department is unwilling to formally approve of it, it will interpose no objection to the agreement if the Board of Health choose to assume the responsibility of directing that it be entered into.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 15, 1913.**Construction Work at Philadelphia Hospital for Contagious Diseases.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 14th inst., stating that you decide to push construction work at the Philadelphia Hospital for Contagious Diseases to be paid for out of an appropriation of \$250,000 (loan) to the Department of Public Health and Charities, Bureau of Health, and under direction of the ordinance of June 11, 1913, which provides that you, as head of the Department of Public Health and Charities, are authorized to construct additional buildings for contagious diseases on ground owned by the City—the acquisition of land and construction of said buildings to be paid for out of said item of appropriation.

You further state that his Honor the Mayor has requested you to employ an architect for the work, to be named by Mr. Crane, the City Architect, and that you have received a letter from the City Architect naming Messrs. Day & Klauder, which is approved by the Director of the Department of Public Works. You ask whether there is any further authorization needed to enable you to employ Messrs. Day & Klauder for the purpose named.

The Hospital for Contagious Diseases is one of the buildings which was included in the contract of March 31, 1903, with Mr. Philip H. Johnson, Architect, said contract having been executed by virtue of the ordinance of March 21, 1903. The entire subject of the validity of said contract, of the employment of architects not officers of the City, and kindred matters was discussed in an opinion of considerable length to the Director of the Department of Public Works, dated May 20th of this year. In that opinion attention was called to the recent case of *Wakelin vs. Philadelphia* (21 D. R. 39), in which one of the Courts of Common Pleas of this county indicated the

irregularity of employing an architect for the erection of any public municipal building who is not an officer of the City, even though such employment had the sanction of Councils. It was further stated in that opinion that while the law vested in the Department of Public Works the supervision and control of the construction of such buildings, the proper method of procedure would be for Councils first to transfer former appropriations and to make original ones to that Department so that it might control the expenditure of moneys used in the erection of those buildings. In the present instance, the appropriation seems to have been continued in your Department, and not made to the Department of Public Works.

In the course of that opinion, the conclusion was expressed that the ordinance of March 21, 1903, was probably illegal because it was not preceded by an appropriation; but that ordinance constitutes the only authorization by Councils (even though assuming that Councils have the power so to authorize) to contract with an architect not in the employment of the City; and if such ordinance be illegal, there would seem to exist no authority whatever for such employment.

Under a former administration, another firm of architects was employed at the instance of the then Mayor, by contract, to supervise the construction of some of the buildings which were embraced in the contract of March 31, 1903, with Mr. Johnson, and as a result of such action, the City found itself in the position of having to meet claims from two independent sources for the same work—a situation from which it was only extricated by amicable agreement between the claimants for a division of the fees. I think every precaution should be taken to avoid a repetition of this incident.

For all of the above reasons I deem it advisable, at least while the present circumstances of the case remain unaltered, for you to refrain from entering into the contract of employment concerning which you inquire.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 18, 1913.**Payment for Hire of Teams Out of Appropriation of
June 27, 1913.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter dated July 16, 1913, from Wm. H. Connell, Chief of the Bureau of Highways and Street Cleaning, approved by James Reed, Assistant Director, in relation to an appropriation made June 27, 1913, for the hire of teams for the maintenance of all classes of streets and roads.

He inquires whether "we cannot pay for the hire of teams for hauling all classes of materials for the maintenance of streets and roads out of this item." In reply thereto, I am of opinion that you may pay out of this item for the hire of such teams.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 18, 1913.**In re Ordinance Authorizing Construction of Pipes, etc.,
Under Irving Street, Between Fortieth and Forty-first
Streets.*

CYRUS D. FOSS, JR., Esq.,

Secretary to the Mayor.

DEAR SIR:—I return herewith unsigned ordinance authorizing the construction and maintenance by the Thomas W. Evans Museum and Institute Society of pipes or con-

duits or a tunnel under Irving street, between Fortieth and Forty-first streets, which you have sent to me at the request of the Mayor, with an inquiry whether the ordinance should be returned for amendment, if it be desired to secure the right of the City to have the tunnel removed at any time when Councils may so direct, or whether the ordinance may be approved and an agreement to that effect executed which will sufficiently answer the purpose.

You also send letters to the Mayor and to yourself from the Chief of the Bureau of Highways and Street Cleaning upon the subject (which I herewith return), together with a memorandum which you have kindly furnished of similar ordinances containing a provision to require the removal of the structures upon the passage of an ordinance to that effect, without expense to the City.

I am of opinion that if the City desires to retain the privilege of requiring the removal of the pipes and conduits or tunnel containing the same, the proper course would be to return the ordinance to Councils without approval, for the purpose of having the necessary proviso inserted, for if the ordinance becomes effective in its present form, the Museum would at once have the right to construct and maintain the tunnel under Irving street without other conditions than those which are now embodied in the ordinance; and while the general principle is that a privilege of this character constitutes a mere revocable license on the part of the City, yet, in order to avoid question or uncertainty, the right to require the removal of the structure should be expressly reserved in the ordinance granting the municipal consent to its being laid.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 24, 1913.**In re Bond to be Executed by District Surveyors.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry whether Section 2 of the ordinance of June 20, 1863, providing for the filing of a bond in the sum of four thousand dollars by the District Surveyors is still operative.

This section of the ordinance appears as in full force and effect in Brightley's and Brown's City Digests, and I find no other which directly or by implication repeals it. It is, therefore, to be assumed as still operative. The security thus provided for was for the benefit of any person or persons aggrieved by the mistakes or errors of the surveyors, and at that time the City was held not to be liable for such mistakes. See Opinion of this Department, August 23, 1912, page 340. It is probable that if the question should now arise, the City, under the changed conditions, would be held to be so liable. Nevertheless the bond may stand as a certain and perhaps additional security to those suffering from the mistakes of the surveyors, and perhaps in relief of the City's liability if such liability at the present time exists.

With respect to your query whether there is any way of cutting down a number of bonded positions in the City's service, which you state is a desirable thing to do because of the large amount of money expended every year, for which the City does not appear to obtain any value, I would say that the subject should be called to the attention of Councils for such remedial legislation as those bodies may deem expedient.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 24, 1913.

Collection of Garbage Without a Permit.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

MY DEAR SIR:—I am in receipt of a letter from the Superintendent of Police, approved by the Assistant Director of your Department, in reference to arrests which have been made for violation of General Order No. 83, which provides as follows:

“I. On and after Monday, June 2, 1913, the City contractor will collect all garbage in the City of Philadelphia, with one exception, and that is, where private contracts have been awarded or entered into previous to the date of this notice.

“II. All such private collectors will have a permit card issued by the Board of Health.

“III. You will arrest all private collectors, on and after June 2, who fail to show the permit card issued by the Board of Health.”

The ordinance of December 14, 1894, page 451, provides that it shall not be lawful for any person other than contractors with the City to collect kitchen garbage or offal without having obtained a permit from the Board of Health, or for any person or persons to convey it excepting in metal carts, water-tight and securely covered, so that none of the contents shall fall, leak or spill therefrom, or be exposed to view. The penalty for violation of said ordinance is a fine of five dollars for each offence.

In the case of *Philadelphia vs. Lister*, 3 Superior Court, 475, this ordinance was upheld as a proper police regulation, so that the City was compelled to resort to it for the enforcement of its provisions and precluded from seeking by injunction to compel obedience to the provisions of the

ordinance. Under that ordinance, any person making application for a permit to gather garbage and having carts and receptacles of the kind designated is entitled to receive such permit under suitable regulations which, I am informed, have been framed by the Board of Health.

Therefore, the first clause of General Order No. 83, which limits the private collection of garbage to instances "where private contracts have been awarded or entered into previous to the date of this notice," would appear to be unauthorized and in contravention of the ordinance of 1894. The other two clauses of that order, so far as they attempt to limit the right to "*such* private collectors," that is to say, those who have entered into a contract previous to the date of this notice, would also be improper and void. I would, therefore, suggest that a new order be issued in conformity to the provisions of the ordinance and simply directing the arrest of private collectors who are without the necessary permit from the Board of Health.

Under the circumstances, it would be wise, I think, to assent to the discharge of the three men who have been arrested, and you should so notify the respective Magistrates.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 25, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In compliance with the request contained in your communication of the 23d inst., I have had prepared and herewith enclose you leases in triplicate between the City of Philadelphia, Department of Wharves, Docks and Ferries, and the Pennsylvania Railroad Company for bulkhead situate between Piers 9 and 10, South Delaware

river, for the term of ten years from October 1, 1913, at the annual rental of \$1,400 per annum.

This bulkhead is at the foot of Walnut street leading into the Delaware river, and is one of the bulkheads covered by my opinion of September 10, 1912 (City Solicitor's Opinions, 1912, page 269), in re right of the City to rent its bulkheads. I call your attention to this opinion at this time so that you may not lose sight of the fact that the City may not have the right to rent this bulkhead so as to exclude the public therefrom.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 25, 1913.

GEORGE S. WEBSTER, Esq.,
Chief of Bureau of Surveys.

DEAR SIR:—The contract to be executed by the Philadelphia Rapid Transit Company under the provisions of the ordinance of July 5, 1913, authorizing the revision of the curb lines and grades on the south side of Walnut street, between West Washington Square and a point about 135 feet eastward therefrom, has been prepared.

Permit me to call your attention to the fact that in the plan accompanying the ordinance the proposed curb line cuts across the corner of Washington Square and Walnut street, thus taking so much of that corner as is intersected by the curb line for the bed of the street.

Washington Square is one of those five squares dedicated by William Penn "for public uses." The public uses to which it is dedicated are more particularly described in the advertisement annexed to the list of first purchasers, which, after describing the site of the City and its advantages, says "there are also in each quarter

of the City a square of eight acres to be for the like uses as the Moorfields in London." If the uses of the Moorfields are inconsistent with the application of any part of them to public streets, the limitation thus placed in the advertisement, which has been held by our courts, together with Holme's and the next subsequent map of the City, to constitute a dedication of those five squares, would render unlawful the proposed taking of a corner of Washington Square for the bed of the street at that point.

In the case of the Commonwealth against Alburger, 1 Wharton, page 468, which involved the validity of a grant of a part of Franklin Square (one of the five squares dedicated by William Penn) to a private corporation for the purpose of a burial ground, Mr. Justice Sergeant, in a learned opinion in which he discusses the character of the dedication of all the five squares and the limits of the City's power over them with respect to the uses to which they can be put, says:

"Now, the first of these plans lays down the streets of the City and the five public squares lying across the streets, so as not to be mistaken or confounded with the rest of the ground assigned for lots or left vacant. The lots of first purchasers are marked on the plan by numbers. In three of the squares the lots run up to them and in front of them, giving ten lots on the south and east of the northeast public square; six lots on the north and east of the southeast public square, and five lots on the north and west of the southwest public square; but no lots are placed upon the squares. So the lots continue along High street to the Center Square, both from Delaware and Schuylkill Front streets, but stop at its boundaries. The second plan agrees with the former, but, in addition, the northeast and southeast squares have written on their face 'eight acres for public uses;' the northwest, 'eight acres given for public uses by Wm. Penn, Esq.;' the southwest, 'eight acres allotted for public uses, etc.' On the Center Square is written 'Center Square ten acres.'

"This is strong evidence to show that these spaces of ground were laid out as squares for public uses, distinct from the streets and lots and other property in the City bounds, when the original plan of the City was made by its founder."

In the later case of *Baird vs. Rice*, 63 Pa. 489, Mr. Justice Read described at length the character and use of the Moorfields.

These two cases, together with the distinction drawn in the case of *Commonwealth against Alburger*, between the public uses of squares and the public uses of streets and other property in the City's bounds, suggest the conclusion that the public uses of a street are inconsistent with those of a square. The Moorfields, as is shown in these two cases, might be intersected or surrounded by walks to increase their attractiveness and use as places of public health and enjoyment, but the devotion of a part of a public square to the exclusive use of those fortunate enough to own vehicles for their private enjoyment or profit detracts from the enjoyment of it by all persons to the extent of the part thus specially set apart as a street.

In *Lewis on Land Titles*, at page 139, wherein the intersection of Center Square by streets is discussed, it is pointed out that no legal authority was ever given to Councils to run streets through that square. In the still later treatise by Allison and Penrose, at page 80, it is said with respect to the intersection of Center Square by streets that "this intersection was clearly unauthorized by Legislature and therefore *ultra vires*." This view of the impropriety of devoting any part of the public squares of the City to streets is further strengthened by Section 1 of the Act of March 7, 1821, VII Smith's Laws, page 385, which provides that "An Act entitled 'An Act for the better regulation of the City of Philadelphia and districts adjoining and preserving the navigation of the River Schuylkill' shall not be so construed as to authorize the Court of Quarter Sessions of the County of Philadelphia to make any order upon any petition for opening a street,

lane or alley over the public squares or State House yard, or either of them."

Whatever power remained in the proprietaries, after the dedication of the five public squares, to control their use in the hands of the City passed to the Commonwealth under the operation of Divesting Act, and the Legislature in this Act of 1821, by prohibiting the opening of streets over any public square in the City by the Quarter Sessions clearly evidenced its intention that no part of the land thus dedicated as public squares should be used as highways.

Whether the restriction to use the City's squares as streets be found in the original dedication or in the Legislative intent, as shown in the Act of 1821, I believe that the proposed change of the curb line of Washington Square, as shown in the plan annexed to the ordinance, would be unlawful so far as it appropriates part of the square to the bed of the street.

While in the present instance the area involved is small, the principle equally applies, especially as the action taken at this time might hereafter be construed as a precedent justifying more considerable encroachment on the public squares.

I trust you will not take amiss my pointing out this defect in the plan. I do so for the purpose of protecting you from a possible innocent error and to preserve to the full extent the beneficent purposes of the founder of the City in setting aside tracts of ground for the health and enjoyment of all of the people forever.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 25, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of the letter of July 15 (but which has just reached me), from the Chief of the Bureau of Highways and Street Cleaning, approved by you, with reference to the paving of Cambria street, from Twenty-second to Twenty-ninth street. It appears therefrom that by ordinance of April 9, 1910, the paving of Cambria street between these limits was authorized, provided that the property in the bed of the street should first be dedicated or the street properly opened.

Between Twenty-eighth and Twenty-ninth streets the property on both sides of Cambria street is owned by the City, having been condemned for the purpose of using it as the site of a reservoir. The paving is completed from Twenty-second to Twenty-fifth street, and there is now in force a contract for paving from Twenty-fifth to Twenty-ninth street.

In view of the fact that the street will take up only a small proportion of the land required for reservoir purposes, and that such land is owned by the City, you inquire whether you may not proceed with the paving of the street or whether such paving must be stopped at Twenty-eighth street.

In view of the circumstances above detailed, if there were no others, I think the paving might be proceeded with to Twenty-ninth street; but in the letter to the Chief of the Bureau from the Division Engineer, copy of which accompanies his letter to this Department, I find that "there is also a small section west of the center line of Twenty-eighth street and north of the center line of Cambria street which is still owned by property owners." As this piece of land abuts on Cambria street and includes a part of the bed of that street as plotted, in order to comply with the terms of the ordinance it will be necessary to procure the dedication of so much thereof as is

within the lines of the street, or to have the street formally opened west of the center of Twenty-eighth street.

Referring to the statement in the Division Engineer's letter, that "the Bureau of Surveys seems to think if the property is used for any other purposes than reservoir, that the tract would revert to the property owners," I beg to say that this question was involved in the litigation in *Corr vs. City*, 212 Pa. 123, in which it was claimed by those who owned the proposed site of the reservoir before its condemnation by the City that the purpose of using this property for a reservoir having been abandoned the title reverted to the previous owners. From the decision in that case it is to be inferred that so long as this property is used by the City for any public purpose, whether for a reservoir or otherwise, the claim of abandonment cannot be upheld.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 25, 1913.

JOS. S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—In reply to your request for a form of notice to Markee & Co., with respect to the abandonment by them of their contract for the construction of sewers, etc., for the Philadelphia Home for the Indigent, I enclose a form of notice for that purpose, the original of which should be sent to the contractors and a copy to their surety, with a brief note to the latter stating that you send them a copy of notice which has been given to Messrs. Markee & Co., for whom they are the sureties on the contract with the City of Philadelphia, specifying it by date and subject.

If this notice be without effect, a second notice should

be sent in the same manner to the contractors, with copy to the surety, directing the discontinuance of the work, of which I also send you a form. Copies of both these notices should, of course, be retained by you, and you will note that the twenty-four hour period is after the *delivery* of the notice and not merely from the time when you send it. It would, therefore, be best to have it delivered by hand, your messenger making a note of the time of delivery.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 28, 1913.

Loss of Temporary Loan Certificate.

MURRELL DOBBINS, Esq.,

City Treasurer.

DEAR SIR:—I am in receipt of your inquiry with reference to the loss of a temporary receipt issued to Mr. Clarence Tolan for \$1,000 of the recent \$7,000,000 loan. You inquire whether Section 7 of the ordinance of March 16, 1872, page 94, applies to such a temporary receipt and what action you should take in the matter. Mr. Tolan states that he purchased and paid for this bond early in May and soon discovered that he had lost the temporary receipt, immediately notifying the Farmers' and Mechanics' Bank, the fiscal agent of the City, and that up to the present time the receipt has not been found. Mr. Tolan, who is known to me as a reputable gentleman, wishes to make early use of the bond for which he subscribed, and to avoid the delay which would be caused if the provisions of the ordinance of 1872 were held to be applicable to his case.

That section of the ordinance relates to lost certificates

of debt of the City and provides for the insertion, once a week, in two newspapers for three months, of an advertisement of the loss, and further requires that a bond be given which shall be "satisfactory to the Mayor and City Controller" indemnifying the City against injury from the reappearance of the original certificate. As thus seen, this provision applies to certificates of debt and need not necessarily affect a non-negotiable temporary receipt such as has been issued in the present case. As to this I think you may use some measure of discretion, not permitting what is done at one time to form a precedent at other times, since the circumstances will doubtless always vary.

If you think that the interests of the City would be sufficiently protected by the acceptance of Mr. Tolan's own bond, together with his affidavit to the above facts stated by him, and that he has not assigned or used the receipt as security for any loan, or otherwise, I am of opinion that you would not be violating any ordinance should you issue a duplicate receipt to him upon his executing such bond and affidavit.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, January 29, 1913.

Re Tioga Street, from Agate Street to Aramingo avenue.

MR. GEORGE S. WEBSTER,

Chief of Bureau of Surveys.

DEAR SIR:—I am in receipt of your inquiry of recent date, relating to the proper method of preparing assessment bills on Tioga street, between Agate street and Aramingo avenue.

The question involved is similar to one which arose in regard to the apportionment of the cost of paving Rich-

mond street, between Dyott and Cumberland streets, in which the property assessed was separated from the pavement by steam railroad and street railway tracks.

In a test case (*City vs. Ginhart*, 48 Super. Ct. 648, 1912), the Court says:

“The fact that there were steam railroad and street railway tracks in the street, being lawfully there, did not change its character as a public highway, and as the defendant was not asked to pay for the part of the street occupied by the rails, their presence in the street did not relieve him from liability.”

I therefore approve of the ruling made by the Committee of the Bureau of Surveys that the cost of the cartway paving on the north side of Tioga street, from Agate street to Aramingo avenue, excepting intersections, is assessable against the owners of property fronting on the north and south side of Tioga street.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 29, 1913.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—In the matter of the conveyance by Edward C. Knight, Jr., and Annie C. Knight, of Pier No. 40 South, Delaware river, to the City of Philadelphia, I notice that the check you sent to me is drawn by you as Director of the Department from funds on deposit in the Farmers' and Mechanics' National Bank. I am of opinion that whether received by you from the State or from any other source, all moneys so received by you as Director of the Department of Wharves, Docks and Ferries are

moneys of the City of Philadelphia and should be forthwith deposited by you not in a private account, but with the City Treasurer, as the Bullitt Bill directs. While this check is accepted and will be used by me so that a settlement shall not be deferred, I would advise that hereafter the law be complied with.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1913.

Royalty on Patent; Right to Pay and Charge to Cost of Construction.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Acting Chief Engineer of the Bureau of Surveys, approved by the Assistant Director of your Department, from which it appears that the City entered into a contract on August 31, 1910, with Costello & Co. for constructing a sewage disposal works, etc., that before advertising an agreement was made with one, Dr. Imhoff, to use a form of tank patented in America, for which a royalty was to be paid, the contract with Costello & Co. providing that the contractor before receiving final payment should deposit with your Department a foreign draft or negotiable bill of exchange, certified, in the sum of \$400 to pay such royalty, that amount to be included in the price bid. The contract called for the completion of the work in six months, but it was not completed until July 1, 1912, since which time the final payment has been a matter of dispute between the City and the contractors; that the attorney for the contractors has notified you that he is

about to enter suit against the City, which will further delay the final payment. That the contractors have admitted their obligation to pay the royalty mentioned, which should have been paid to the patentee over two years ago. In view of this protracted delay resulting in placing the City in the position of not meeting its obligations to the patentee, the question is asked whether the City would be justified in paying the royalty from funds in hand and charging it against the cost of the contract in the same manner as has already been done in the case of materials for construction.

As a last resort I think the City would be justified in following this course. If possible to avoid doing so, however, in view of the threatened litigation, I think it would be better not to deviate from the provisions of the contract and as it is stated that the liability of the contractors to pay the royalty is admitted, it is likely that as soon as suit is begun an amicable arrangement can be made with counsel for the contractors that the payment be made in the manner suggested and without affecting the rights of either party to the contract. For this reason, unless the City is being pressed for payment, I would suggest that the beginning of the expected law suit be awaited before making it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1913.

JAMES REED, Esq.,

Assistant Director, Department of Public Works.

DEAR SIR:—I return herewith as delivered to me, an agreement to annul an agreement dated June 2, 1910, between the City of Philadelphia and Edwin H. Vare, which you have this day forwarded to me, through the Chief of the Bureau of Highways and Street Cleaning,

with a request that I attach my approval of said agreement of annulment.

This agreement of annulment was prepared by me in compliance with the special request of the Director of Public Works and is part of a "settlement" entered into between the Mayor, Director Cooke and Mr. Vare and is the subject of a proposed ordinance now pending in Councils forwarded to those bodies by the Mayor, in which an appropriation for Mr. Vare is recommended. As has been heretofore stated to your Department, I will not affix my official approval to it.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1913.

Proper Item Chargeable with Repairs to Asphalt Paved Streets.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your letter of yesterday, enclosing a contract of the Bureau of Highways and Street Cleaning (Department of Public Works) with the Barber Asphalt Paving Company for repairing and patching asphalt paved streets during 1913, which is charged against Item 132 in the appropriation of the proceeds of the recently authorized loan of \$7,000,000. That appropriation to Item 132 is "for resurfacing asphalt streets," whereas the part of the appropriation which is "for repairs to streets" is numbered 134. You state that the repairing and patching of streets is not a resurfacing such as in your judgment was contemplated by the ordinance, and you ask whether your refusal to certify the contract out of Item 132 instead of Item 134 is correct.

It would seem to me that the repairing and patching of asphalt streets would come more appropriately under the head of "repairs to streets" than the "resurfacing of asphalt streets" and that therefore Item 134 would be the proper one against which to charge this contract. The charge against Item 132 may, however, be a mere clerical error, and I would suggest that you call the matter to the attention of the Department of Public Works. The contract is returned herewith.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, July 31, 1913.

Ordinances in re City's Rights in Circuits, Ducts, Electric Wires and Poles.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of July 23d., inquiring whether the provisions of Sections 6 and 7 of the ordinance of August 5, 1886, regulating the laying and construction of underground wires, etc., have been repealed, limited, or changed by succeeding ordinances; whether such ordinance is general or specific, and whether it has been waived in any way by any contract with the companies using the streets.

I am not aware of any ordinance by which the provisions of these sections have been repealed or modified. The ordinance is of a general character, relating to the laying and construction of underground wires, electrical conductors, conduits, cables and tubes, by any company, corporation, firm or individual in the City of Philadelphia. I know of no contract with any companies using the streets by which the terms of this ordinance have been waived.

In granting privileges of this character to individual companies by subsequent ordinances, it will be seen from the resume sent to the Chief of the Bureau of Gas by this Department that the requirement of these sections is sometimes expressed by different wording, but substantially with the same sense. For example, see at top of page 11, ordinance of March 21, 1887, referring to Penn Electric Company of New Jersey; also ordinance of January 12, 1888, page 5, with respect to the Bell Telephone Company. The ordinance of December 26, 1902, page 321, conferring privileges on the Philadelphia Electric Company, requires that Company to "provide for the use of the City of Philadelphia for police and fire alarm and telephone service, two conduits similar to those now in use by the City, with the necessary manholes for the same."

Other such ordinances may omit this requirement altogether, substituting different obligations therefor. In the latter instances, no general opinion can be given as to whether the provisions are waived in regard to the companies to which the later ordinances relate, as each case must depend upon the facts specifically involved.

In your letter you further say:

"We understand from your opinion in 1912, page 297 of the Opinions of the City Solicitor for that year, that you have decided that the Chief of the Electrical Bureau possesses all rights in determining what these working wires shall be and how they shall be laid."

This states the matter somewhat too broadly. The opinion referred to was intended to hold only that as between the one duct or chamber and the three working wires, to which the City is entitled by the terms of the ordinance, the original right of choice lies with the Chief of the Electrical Bureau and not with the Company owning the electrical structures.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 31, 1913.**Approval of Contract With Day & Klauder, Architects.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of even date in which you enclose “draft of contract with Day & Klauder prepared by the City Architect, Mr. Edward A. Crane, and forwarded by him under date of July 28th, with the approval of the Director of the Department of Public Works,” which you submit to me for approval as to form, and asking me to notice that “the signature of Day & Klauder is a somewhat unusual procedure, explained by the fact that Mr. Day sails for Europe to-morrow morning.”

This proposed agreement attempts to employ Day & Klauder as architects in the construction of additional buildings for contagious diseases, which you as Director of the Department of Public Health and Charities have been authorized to erect, and provides that these gentlemen shall be paid a sum not to exceed twenty-four thousand dollars. I return to you this contract. On the 20th of May of this year, in an opinion rendered to the Director of the Department of Public Works upon the subject of the supervision by your Department over the erection of certain municipal buildings and the employment of Philip H. Johnson as architect, I referred to the recent case of *Wakelin vs. Philadelphia*, 21 D. R. 39, in which the Court, in passing, called attention to the irregularity of employing an architect not a City officer, and of committing to him supervision of the construction of municipal buildings, erected independently of the control of the Department of Public Works. In that opinion I advised you that that was the proper Department to prosecute the improvements now under your care, especially in view of the fact that a competent City Architect was employed by it.

On the 15th of July of this year you wrote inquiring whether any further authorization was needed to enable you to employ Messrs. Day & Klauder as architects in the construction of the Philadelphia Hospital for Contagious Diseases. I again advised you that the Department of Public Works was the proper Department to supervise this public improvement, and in conclusion advised you to refrain from entering into a contract of employment with Messrs. Day & Klauder as architects.

The Act of June 1, 1885, commonly known as the "Bullitt Bill," provides *inter alia* that:

The "City Solicitor shall be the legal adviser and act as attorney and counsel for the City and all its Departments and officers . . . and no Department shall employ any other solicitor."

And again:

"The City Solicitor shall . . . prepare all contracts to be made with the City or any of its trusts or departments, and endorse on each his approval of the form thereof, before the same shall take effect."

And further:

"All contracts, bonds and other instruments of writing in which the City is concerned shall be prepared in the office of the City Solicitor."

May I express surprise, therefore, that you should request me to approve, as to form, a paper prepared by another which this Act specifically provides shall be prepared in this Department and which I have already advised you is illegal in substance.

Very truly yours,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, July 31, 1913.**Deposit of Moneys for Use of Department.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I have given careful consideration to the letter of July 30, 1913, which was in reply to my communication of the 29th inst., and I am clearly of the opinion that any moneys appropriated to the Department of Wharves, Docks and Ferries of the City of Philadelphia, or to any other Department, by the State, should be deposited with the City Treasurer and drawn from the City Treasury regularly, as provided by law, and not deposited in a private bank.

The ordinance of December 23, 1872, page 623, Section 1, provides that "all municipal officers and departments receiving money on behalf of the City of Philadelphia shall furnish, under oath, . . . a statement giving the date and amount of payments to the City Treasurer on account of their respective departments for the preceding month, provided that all such moneys shall be paid to the City Treasurer on the day of receipt by the said officer or department;" and by Article 6 of the Act of June 1, 1885, commonly known as the "Bullitt Bill," it is provided that "all the moneys of the City received by any officer or agent thereof shall be deposited daily in the City Treasury."

Certainly you are an "officer or agent" of the City, and certainly the money received by you as Director is part of "the moneys of the City."

As to the practical question I have had the matter called to the attention of the City Controller and City Treasurer, and I am informed that there could be no objection whatsoever on the part of the City Treasurer to receiving the money, and would be no objection whatsoever on the part of the City Controller countersigning any warrant that

may be properly drawn for the payment of any such moneys.

I therefore respectfully request that whatever sums of money belonging to the City which may be on deposit by you with the Farmers' and Mechanics' National Bank shall be forthwith withdrawn therefrom and deposited with the City Treasurer, and that the funds as needed shall be drawn from out of the City Treasury by warrant duly signed by you and countersigned by the City Controller; and in future that all moneys received by you as Director and belonging to the City of Philadelphia shall "be deposited daily" in the City Treasury.

Very respectfully yours,

MICHAEL J. RYAN,

City Solicitor.

DEPARTMENT OF LAW.

Philadelphia, August 1, 1913.

Transfer of Janitors—Constitutionality of Act.

PETER BOLGER, Esq.,

Secretary of Civil Service Commission.

DEAR SIR:—I am in receipt of your letter of the 30th ult., referring to Act No. 58, approved April 17, 1913, to provide for the appointment of janitors in the Courts of Counties having a population of 1,200,000 and over, and for their compensation and payment.

This act vests the appointment of such Janitors in the Judges of the several Courts and as this transfers such positions from the jurisdiction of the Civil Service Commission, before recognizing the act as effective, you desire to be advised whether it is legal, valid and constitutional.

In compliance with your request, I have examined the

Statute and do not find any ground to declare it inoperative, and therefore advise you to comply at once with its terms.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 7, 1913.

Abolition of Grade Crossings at Olney.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Acting Chief Engineer of the Bureau of Surveys, approved by the Assistant Director of your Department, dated July 30th last, in further reference to the matter of the payment for the abolition of grade crossings of the Philadelphia, Newtown & New York Railroad Company at Olney and vicinity, which has already been the subject of correspondence with this Department. It appears therefrom that after the opinion given to you on May 27th of this year, letters passed and interviews took place between the Bureau of Surveys and Mr. Hunter, Chief Engineer of the Philadelphia & Reading Railway Company, and as a result thereof terms have been offered upon which the abolition of the grade crossings, the regrading of the streets, the payment of consequential damages, etc., may proceed, these being embodied in two letters from Mr. Hunter to the Chief Engineer of the Bureau of Surveys, dated respectively June 14th and June 26, 1913. By the propositions contained in said letters the cost of specified parts of the work is to be borne by the Railroad Company and of other parts by the City, the latter, however, to be subject of a case stated to determine whether the City or the Railroad Company shall ultimately bear this portion of the expense.

In the last letter from Mr. Hunter, bearing particularly upon the cost of lowering the grade of Mascher street, he denies any obligation on the part of the Railroad Companies to do any work in connection with the elevation of the tracks other than that particularly mentioned and defined in his earlier letter of June 14th, but expresses a willingness to do the work upon the understanding that such action will not be construed as an admission of any obligation so to do, or that the contract of July 19, 1909, obligates the railroads to do any work other than that specifically mentioned in said letter of June 14th. He, moreover, puts the willingness of the Company to grade and macadamize Mascher street upon the ground of "lack of funds by the City authorities for the doing of the work," and again states "we are willing on account of the lack of funds by the public authorities and in order that no inconvenience may be caused to the public, at our expense to grade and macadamize such part of the surface of Mascher street as will place it in substantially the same condition for traffic as it is to-day." In connection therewith the letter from the Bureau of Surveys to this Department, says:

"you will note that this letter does not put his agreement to grade and macadamize Mascher street upon the proper basis. He offers to do this work by reason of lack of funds by the City, and does not recede from his former position with respect to his obligation. While the amount of work Mr. Hunter offers in his letter of June 26th is satisfactory, I do not feel that his phraseology should be accepted, and I ask you to advise me whether to accept Mr. Hunter's offer or to insist that he so reframe his offer as to admit that there may be obligation on the part of the Railroad Company to lower the grade of the three streets in question and that the mutual agreement to require the Railroad Company to grade Mascher street only, is in the nature of a compromise to avoid taking the case to court."

With respect to the unwillingness of the Bureau of Surveys as representing the City, to accept the statement that

the work will be done by the Railroad Company because of the City's lack of money, I think that Bureau entirely justified. But, in my opinion, it is not improper in a compromise settlement of this nature, for the Railroad Company to safeguard itself from any inference that by doing this work it admits a binding obligation as to it, especially in view of a similar question which may be involved as to that work which is to be the subject of the case stated.

I therefore think a reply to the letter of June 26th somewhat in the following form, might be made:

"In reference to the elevation at Tabor and adjacent streets, of the tracks of the Philadelphia, Newtown & New York Railroad Company, I desire to acknowledge the receipt of your letter of June 26th last.

"The terms upon which this work is to be done as embodied in that letter and your previous one of June 14, 1913, will be accepted by the City, * * * Such acceptance is not, as you state, because of a lack of funds on the part of the City for the doing of the work, which statement I cannot assent to, but that it may be proceeded with without delay, in order that no inconvenience may be caused to the public, and by way of compromise of disputed questions which have arisen; and with the understanding that in agreeing to such adjustment no obligation in the premises is admitted by either party except such as is acknowledged by the said letters, and the replies thereto."

Of course, the foregoing is intended merely as a suggestion of the general nature of your reply. For clearness, it would also, I think, be well to embody in your letter a restatement of the conditions upon which the work is to be done, quoting literally from Mr. Hunter's two letters if by so doing the terms to which the City wishes to assent would be properly expressed. This might be introduced by the words "as follows" after reference to

Mr. Hunter's letters, as indicated by stars. I herewith return the original letter of June 14th, 1913.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 7, 1913.

Payment for Repairs to Country Roads.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, in relation to the ordinance of June 19, 1913, authorizing the Director of the Department of Public Works to enter into contracts for the improvement of certain country roads. The various roads to be so improved are designated in the ordinance, which provides that the cost of the work is to be taken from Item 133 (loan) of the appropriation to the Department of Public Works (Bureau of Highways), and further provides, that in addition to said work that Department is authorized to use a sum out of said item not to exceed \$100,000 "for improving such country roads as are now surfaced," and provided that no part of the money in said item shall be used "otherwise than to improve the streets and roads herein named substantially upon the present lines and the present physical grades, except for sufficient grading to secure an even surface."

The Chief of the Bureau desires to know whether he is justified in using the \$100,000 thus provided for, for general repairs including work to be done by contract, and also the payment for the necessary labor and equipment for general maintenance work on country roads. He states his purpose to be to use this sum of \$100,000 "in

general for the maintenance of country roads and the payment of necessary labor, as well as some portion of the money for contracts," not including the work that will be put under contract from the amount to be used for the roads designated.

I am of opinion that the said sum of \$100,000 may lawfully be used in the manner desired by the Chief of the Bureau, provided, however, that no part of it shall be expended except upon country roads which have already been surfaced, as the Ordinance specifically limits the expenditure for the purpose of "improving such country roads as are now surfaced."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 11, 1913.

Regulation of Pool and Billiard Tables.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—In reply to your communication of August 7th, asking whether you can proceed under the Act of 1911, relating to the conduct of billiard and pool parlors, and the licensing of the same by the City. I beg to advise you that in view of the failure of the Legislature to repeal or amend the act you can proceed under it as it stands.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 11, 1913.

*Act Regulating Two-Family Dwellings, Rooming
Houses, etc.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter of the 7th inst., from the Chief of the Bureau of Building Inspection, approved by you, with reference to the Housing Act (File No. 1142, House of Representatives), an Act regulating the occupation, etc., of dwellings, two-family dwellings, rooming houses and tenements. The inquiry is whether the entire Act went into effect at once upon its passage, or whether the Act, with the exception of Section 45, is now in effect, or whether the entire Act is postponed until January 1, 1914.

The Act contains numerous sections and deals with many phases of the regulation of those buildings to which it relates, having to do with the organization of a department charged with the duties imposed by the Act, and providing for the erection, alteration, repair, use, occupancy, maintenance, sanitation, condemnation and licensing of such buildings, the grounds surrounding them, the adjoining buildings and all vacant land in cities of the first class.

Sections 45 to 53, inclusive, relate to the licensing of two-family dwellings, rooming houses and tenement houses, and in Section 45 it is provided that on and after January 1, 1914, no building shall be occupied or permitted to be occupied as a two-family dwelling, rooming house or tenement unless a license shall first be obtained for the premises. Again, in Section 53, it is provided that:

“On and after the first day of January, 1914, it shall be unlawful for any person to let, rent, lease to be occupied or conducted, any two-family dwelling, rooming house or tenement in any city of the first

class unless he has secured a license therefor, as heretofore provided, and unless he at all times displays it in a conspicuous place upon the wall within and close to the outer entrance to the house mentioned in said license."

I think it clear from these provisions that so much of the Act as relates to the licensing of the designated houses is not to take effect until January 1, 1914: that is to say, Section 45 and the following sections up to and including Section 53.

In the voluminous provisions of the other parts of the Act, which parts are separable from those sections dealing with licenses, I find no provision fixing a particular time when the Act shall become effective, and, according to the usual application of the law in such cases, those portions would become operative immediately upon the approval of the bill.

I am therefore of opinion that the Act is now in effect as to all its provisions, except those included in the sections dealing with licenses, to wit, Sections 45-53, which will become effective on January 1st, next.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 14, 1913.

*Authority to Increase Number of Hosemen and
Laddermen.*

GEORGE D. PORTER, Esq.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your communication of July 28th, inquiring whether there is any legislation which will prevent you increasing the number of hosemen and laddermen by two in each of the various fire companies.

Under the Act of June 1, 1885, "the care, management, administration and supervision of the police affairs and all matters relating * * * to the fire and police force, etc., shall be in charge of this Department" (Department of Public Safety).

I gather from your letter that you have not filled all the positions of hosemen and ladder-men authorized by ordinance of Councils. It is scarcely necessary to advise you that you may employ as many hosemen and ladder-men as are provided for in the ordinance and may not employ a greater number than is so provided for.

With respect to the assignment of hosemen and ladder-men to the various companies of the City, your power to do so is clear under the Act of Assembly already quoted. You may distribute them as you deem best in the various sections of the City. Their control and management is entirely within your charge, and to the extent of the number of men authorized by Councils you may increase the force in each company.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

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LAW DEPARTMENT.

Philadelphia, August 14, 1913.

Obstruction of Traffic on Delaware Avenue.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of July 31st, making certain inquiries respecting the obstruction of the sidewalks and, in particular, of Delaware avenue, by boxes, crates, vehicles, fruit stands, etc.

With respect to your first question:

“Whether there is any warrant in law for the occupancy of sidewalk space with packing boxes, etc., for more time than is reasonably necessary to load them from the vehicles at the curb line,”

I beg to advise you that there is not.

With respect to your second question, inquiring

“What limit is placed by law upon the extension of fruit and other stands onto the sidewalk outside the building line, and whether the privilege of using such space can be sub-let by the owners or tenants of the building,”

I refer you to the third section of the ordinance of December 24, 1864, page 504, which declares it to be a nuisance “to place any goods, wares or merchandise, whether for sale or otherwise, on any part of the footways in front of any house or premises from the line of any street fifty feet and upwards in width to a greater distance” than four feet three inches from the line of the street and level of the pavement. Within this limit it has been held in the case of *Philadelphia vs. Sheppard*, 158 Pa. 347, to be lawful to maintain a stand for the sale of goods. This space can be sub-let by the owners or tenants of the premises.

With respect to your third question, inquiring

“Whether storage warehouse companies which have obtained permission from proper authorities to pave the sidewalk in front of their premises in order ‘to permit access thereto’ are authorized thereby to park their teams on such sidewalk space and practically monopolize it during the entire hours of daylight,”

I reply that they are not so authorized. The permission is granted for the purpose of enabling such warehouse to have convenient and easy access to its building, and the sidewalks of the City should not be blocked by the presence of teams at such point for a longer time than is reasonably necessary to load and unload. A particular

character of paving of a sidewalk cannot defeat the rights of pedestrians to its free and unobstructed use. Its essential character as a footway remains, and it can only be blocked for the limited time designated above. Sections 17 and 18 of the ordinance of September 23, 1864, page 359, make it a nuisance "to place any goods, wares or merchandise, whether for sale or otherwise, on any part of the footways in front of any house or premises occupied by any person or persons: *Provided*, That nothing herein contained shall be construed to prevent any goods, wares or merchandise from being taken to and from any storehouse or other building at any time whatever (Sundays excepted)," "and to place or pile any empty boxes, barrels, hogsheads or crates on any footway or highway of the City."

The provisions of these sections are limited by Section 40 of the same ordinance to the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth Wards of the City and to that portion of the First Ward east of Broad street and north of Mifflin street, including said Broad and Mifflin streets; to that portion of the Twenty-first Ward formerly comprised within the late Borough of Manayunk; to that portion of the Twenty-second Ward formerly comprised within the Borough of Germantown; to that portion of the Twenty-third Ward formerly comprised within the late Boroughs of Frankford and Bridesburg and Whitehall, and to that portion of the Twenty-fourth Ward formerly comprised within the late District of West Philadelphia.

The penalty prescribed for a violation of this ordinance is fixed at the sum of five (5) dollars by the ordinance of July 19, 1869, Section 4, page 323, to be recovered before the Magistrate whose office is located nearest the place where such violation occurred, at the suit of the City and for the use of the City.

So far, therefore, as the obstruction of the sidewalks by boxes, crates, merchandise, etc., is concerned, I should suggest that the proper procedure to abate such a nuisance

is a prosecution under the penal section of the above ordinance.

With respect to the fruit stands to which you refer, if they extend to a greater distance from the house line than is authorized by the ordinance of 1864, I should suggest that a bill in equity be filed to abate such nuisance.

The ordinance of December 24, 1864, relating to such stands, does not contain a penal provision, and the City would be relegated to the usual legal remedies for the abatement of nuisances.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1913.

*Requirement of Philadelphia Electric Company to Furnish
Wires for Use of the City.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry whether the ordinance of November 27, 1902 (page 321), permitting the Philadelphia Electric Company to construct underground conduits, etc., waives the right of the City to demand from this company the three working wires provided for by the ordinance of August 5, 1886 (page 243).

The ordinance of 1902 is a later and special ordinance granting permission to the Philadelphia Electric Company to construct and maintain its conduits, wires, etc., upon certain terms and conditions set forth in the ordinance, including the obligation to "provide for the use of the City of Philadelphia for police, fire alarm and telephone service two conduits similar to those now in use by the City, with the necessary manholes for the

same." This provision seems inconsistent with the requirement in the general ordinance of 1886, that the company "shall furnish three good working wires upon thirty days' notice to the Electrical Department without any cost to the City," or, in lieu thereof, "one tube or chamber in such conduits or tubes," and it is a familiar principle of law that to the extent that it is so inconsistent, the former general Act or ordinance must be held to be repealed by the later special one.

It would, therefore, seem that the right of the City to demand from this company three working wires is replaced by the provisions of the subsequent ordinance requiring the furnishing of two conduits.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1913.

JOHN MEIGS, Esq.,

Asst. Director, Dept. Wharves, Docks and Ferries.

DEAR SIR:—I acknowledge your favor of August 14th, in which you advise me that bids have been opened for the work of removing old piers and dredging in the Delaware river, between Catharine and Christian streets, that contracts are being prepared for the execution of the work by the lowest bidders, that two of the three properties affected by the work are being acquired by purchase and the third property—Pier 39—is being taken by the City through condemnation proceedings. You further inform me that the work to be done by one of the contractors, the American Dredging Company, covers portions of all three of these properties, and you desire my opinion whether work under the contract with the American Dredging Company can be begun over all three of the properties as soon as the contract is signed, or whether

it will be necessary for your Department to postpone the prosecution of the work until the condemnation proceedings are carried to a conclusion.

The property which is being acquired by the City through condemnation proceedings is Pier 39, Catharine street, Delaware river, formerly owned by the Knickerbocker Ice Company. The City is proceeding under the terms of the Act of Assembly of May 29, 1913, and an ordinance of City Councils approved June 12, 1913.

I am advised that the notice of condemnation required to be served upon the property owner by the municipality has been properly served, and following the service of this notice this Department has caused to be filed in the proper Court a petition for leave of the City to file its bond to secure the payment of damages. This petition is returnable in Court of Common Pleas No. 1 on Monday next, August 18th, at 10 A. M., and in the ordinary course of procedure will be granted by the Court on that day. As soon as this petition is granted this Department will cause the bond of the City to be duly filed, and immediately upon this being done, the title to the property affected by the condemnation proceedings will be vested in the City of Philadelphia.

Upon the filing of the bond, therefore, your Department will have full authority to proceed with the carrying out of the contract of the American Dredging Company in so far as it affects Pier 39, and it will not be necessary for you to wait until the damages in the condemnation proceedings are assessed and paid.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1913.

A. M. WILSON, Esq.,

Acting Director, Department of Health and Charities.

DEAR SIR:—I beg to acknowledge the receipt of your letter of August 6th, containing copies of the correspondence of your Department with the Eastern Pennsylvania State Institute for the Feeble-Minded and Epileptic at Spring City, concerning the refusal of that institution to receive patients unless the Director of your Department agrees to remove them when requested to do so without expense to the institution. This agreement is attached to the end of the certificate required by law to be furnished by the Directors or Overseers of the Poor of the district which is the legal settlement of the child committed to the institution.

The Act of May 15, 1903, P. L. 446, which created this institution, provides in Section 13, *inter alia*, that the Board of Trustees

“shall prescribe, and cause to be printed, instructions and forms of application for the admission of such children; and shall include therein interrogatories to which they shall require answers, under oath, showing such facts as may be needed for the information of the said trustees. Such printed instructions and forms shall be furnished to all applicants for the admission of any person or patient, in whole or in part, as a State beneficiary, and shall be endorsed by the Board of Commissioners or Directors of the Poor of the county in which he or she resides at the time of the making of the application.”

And again, in Section 15:

“The Board of Commissioners or Directors of the Poor of a county, in approving an application for the admission of a person to said institution, shall state whether or not such person has an estate of sufficient value, or a parent or parents of sufficient

financial ability, to defray the expense, in whole or in part, of supporting such person in said institution, and, if there be such means of support in part only, then the amount per month which the parents or parent or the legal guardian of such child may be able to pay, and the person or persons who make the application for such admission shall therein make statement, under oath, as to such means of support."

In the form of application prepared by the Board of Trustees under Section 13 of the Act appears the certificate of the Directors or Overseers of the Poor, and it concludes as follows:

"And we further certify that the legal settlement of said child is in the said district, and hereby agree to remove said patient when requested to do so without expense to said institution."

It is this contract to remove the patient which I understand your Department objects to signing. This objection I believe to be well founded. The certificate of the Director, called for by Section 13 of the Act, is a certificate of "such *facts* as may be needed for the information of said trustees." The Act of Assembly authorizes the Board of Trustees to make inquiry and require information in the certificate of the Director concerning facts relative to the admission of a patient to the institution. The Director has no authority under this section to bind the City of Philadelphia in any manner, and the insertion of the agreement into this certificate is entirely unwarranted by law. The right of the Board of Trustees is to interrogate the Department upon facts, not to impose a liability upon the City. It is contended by the Board of Trustees, however, that Section 11 of the Act of 1903 confers upon them the right to require such an agreement before admitting the patient to the institution. That section provides that:

"The form of application for admission into the institution, and the necessary checks for improper admissions, shall be such as the Board of Trustees

shall adopt, and each application shall be accompanied by answers, under oath, to such interrogatories as the Trustees shall by rule require to be propounded."

Under this clause empowering the Board of Trustees "to adopt the necessary checks for improper admissions" it may well be that an agreement to remove a patient discovered to have been improperly admitted after he or she is actually in the institution can be required by the Board, but such an agreement can only be exacted from those legally responsible for the care and maintenance of the patient. The parent or guardian who places the child in the institution could be required to remove it when properly requested to do so, but the Overseers of the Poor and the Director of your Department, whose sole duty is to certify to facts, cannot be called upon to bind the City to the performance of the obligations of the patient's parents or guardian. Nor should the right of a parent or guardian to place a child in the institution be diminished or abridged by requiring such an agreement from the Director.

If the child, however, is among that class of indigent committed to the Director as successor to the Guardians of the Poor, the situation is different. Your Department is the legal guardian of such an infant, and the City is responsible for its care and maintenance. It would be proper for the Board of Trustees of the institution to require an agreement for the removal of such a child when requested so to do, because the Department is in the position of a parent or guardian who is responsible for the maintenance of the child. The fact that you have no appropriation to cover the removal of patients from the institution cannot deprive the Board of Trustees of the right to require such an agreement, nor can it relieve the City of its obligation to remove those of its wards who are improperly placed in the institution.

With respect, therefore, to those feeble-minded children who are not wards of the Director as successor to the Guardians of the Poor, the Department's objection to the signing of such an agreement is proper. As to applica-

tions for the admission of children who are wards of the City, however, I believe that the agreement can be required by the Board of Trustees. I may say, in passing, that the agreement has no place in the certificate of facts required by Section 13 of the Act of May 15, 1903. Had it been printed in some other part of the blank the present controversy might have been obviated.

I suggest that a copy of this opinion be sent to Spring City, and if your Department and the Board of Trustees cannot reach an understanding in the matter, I will be glad to take it up with them directly.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 15, 1913.

*Appropriation for Widening Margie Street to its
Full Width.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication from the Chief of the Bureau of Highways and Street Cleaning, dated August 13th, approved by your Assistant Director, inquiring whether all the legal requirements required by the ordinance appropriating \$7,500 for the grading, repaving and constructing of a retaining wall and doing other work incidental to widening Margie street to its full width have been complied with.

I understand that the appropriation was made contingent upon the dedication to the City by the Charles Este Company of a small parcel of ground in the bed of said street. A deed of dedication of the ground was approved as to form by this office on August 6th of this year and

was transmitted to the Bureau of Surveys of your Department. Whether it has been finally approved by the Board of Surveyors and duly recorded I cannot say, but have no doubt that your Department will be able to enlighten you upon the subject.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 18, 1913.

In re Rebuilding of the Plant of the Union Petroleum Company.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 12th inst., inquiring whether your Department can refuse to approve plans for the rebuilding of the plant of the Union Petroleum Company at the corner of Mifflin and Water streets, which was recently burned. Your letter is accompanied by the petitions of a large number of citizens and property owners in the neighborhood of Mifflin and Water streets, protesting against the rebuilding of a building for the conduct of so dangerous a business in that locality.

The reasons advanced in the petitions are reasonable and just, and it would be my pleasure to advise that you could refuse to permit the rebuilding of the Union Petroleum Company's plant in that locality if the law conferred upon you such power. I regret, however, that I cannot do so. The Act of March 22, 1865, and its supplements contained excellent provisions for the protection of Philadelphia from plants of this kind, among other provisions being one which prohibited the refining, manufacture, storing or keeping of petroleum within certain

parts of the City, and permitting it in others, provided the building in which it is stored be at least 100 feet distant from any dwelling, unless the written consent of the owner is secured. This act and its supplements contained many other salutary provisions guarding against the dangers incident to the maintenance of such plants. On June 27th of this year, however, the Governor approved an act of the Legislature which repealed the Act of 1865 and its supplements, without substituting any other provisions for the protection of the public in congested section of the City. You cannot, therefore, refuse to issue a permit for the rebuilding of the Union Petroleum Company's plant at its present location.

Section 3 of the ordinance of April 2, 1901, page 118, declares it a nuisance for any person, firm or corporation to maintain any establishment or carry on any business in which benzine, naphtha, gasoline, benzole or other similar light petroleum or coal tar products are used or employed, whether for manufacturing or in the arts or otherwise, in quantities exceeding one gallon in any one day, until he shall have obtained a license from the Mayor to maintain such establishment or carry on said business. The same section further provides that "no license shall be granted by the Mayor until the Fire Marshal shall have certified to him that he has examined the premises upon which the applicant for a license desires to have, use, store or keep benzine, naphtha, gasoline, benzole or similar light petroleum or coal tar products, and that in his opinion a license may be granted without endangering public safety."

It will be seen from this section of the ordinance that while your Department cannot refuse to permit such an enterprise as that proposed by the Union Petroleum Company to be conducted at Mifflin and Water streets, the Fire Marshal can require that such safeguards be installed or built upon the premises as will most effectively prevent a repetition of the recent unfortunate conflagration, with all its attendant dangers to neighboring properties, before certifying to the Mayor that a license to conduct the business may be granted without endangering public safety.

His certificate relates solely to the results of his inspection of the building, and he cannot refuse to furnish it upon the ground that the building is not located in a suitable neighborhood for conducting such a business. He can, however, require all modern safety appliances or structures to be installed or erected before issuing his certificate, and I think the Bureau of Building Inspection would not be exceeding its authority should it consult with and be guided by the Fire Marshal in these essential matters before issuing the building permit.

Since the repeal of the Act of 1865 I cannot see any other manner in which the City can protect itself from the dangers of such a business. The Act of June 4, 1901, gives Councils of the cities of the first class authority to regulate by ordinance, among other things, "the having, using, storing and keeping of benzine, naphtha, gasoline, benzole and other petroleum or coal tar products and articles containing the same," and to legislate upon "all subjects of a character or nature similar to those already enumerated." The only regulation by Councils covering such plants as that proposed to be erected by the Union Petroleum Company is embodied in the ordinance to which I have already referred. If more comprehensive and drastic regulation is required to protect the property of citizens from the dangers attending such a business, an ordinance of Councils could be passed under authority of the Act of June 4, 1901. In view of the recent repeal of the Act of 1865 such further regulation by Councils would be entirely appropriate.

I may say in conclusion, that the provision of the ninth section of the Fire Marshal's Act of June 8, 1911, would apply after the erection of the building if dangerous conditions arise in the course of the conduct of the Company's business.

I return the petitions you sent me.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 18, 1913.

Payment for Work on Sewers from Future Appropriation—Emergency.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, stating that the appropriation to his Bureau for the current year to pay for the hire of teams for hauling in connection with the maintenance of sewers is exhausted, and asking whether he would be justified in continuing to employ such teams pending future additional appropriation by Councils, if the services of teams can be secured for the purpose upon those conditions. He states that the work is often of an emergency character and that "any neglect on the part of the City to remedy at once such conditions as will result in damage to the health and the property of citizens renders the City liable to an action for damages."

This again presents the question, which has many times arisen, how far the head of a Department or Bureau is justified in having work done in the absence of an appropriation to pay for it. As a matter of law that right does not exist. No exception to the requirement that all liabilities of the City must be preceded by an appropriation is provided for, even in the case of an emergency. An executive official, however, may sometimes feel that an emergency is so urgent or pressing that his duty requires of him that he have the necessary work done in the absence of an appropriation, ignoring that requirement. If the situation is thought such as absolutely to necessitate an expenditure without appropriation, the head of the Department must decide whether or not he will assume the responsibility of directing it.

Work so ordered cannot be paid for in the usual way by warrant upon the City Treasury, but must await affirmative action by Councils in providing the funds by an ordinance which requires to be passed by a vote of two-thirds of each body and approved by the Mayor. The person furnishing the teams or other articles would have no legal right in such case to recover his money from the City, and must depend wholly upon the voluntary action of Councils in the matter.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 18, 1913.

Deposit of State Appropriation in City Treasury.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—In reference to the appropriation to the Department of Wharves, Docks and Ferries, concerning which I find a letter from the Director of that Department awaiting my return to the City, permit me to say that the appropriation made by the State under the Act of June 15, 1911, to the Department of Wharves, Docks and Ferries, is sufficient to authorize the counter-signature by you, and the payment by the City Treasurer, of warrants drawn by the head of that Department against the funds covered by that appropriation when they shall be paid into the City Treasury, and that it is not essential that an ordinance or ordinances be passed authorizing such counter-signature and payment, as this would be but to duplicate that which the Legislature has already in effect done.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 18, 1913.**Deposit of State Appropriation in City Treasury.*

GEORGE W. NORRIS, ESQ.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I have just returned to the City and find your letter of August 6th awaiting me. In it you state that because of the City Controller's refusal, without an ordinance, to countersign warrants upon the City Treasurer for expenses incurred in pursuance of the appropriation to your Department by the Commonwealth, under Act of June 15, 1911, you have deposited in the Farmers' and Mechanics' National Bank the sum of \$10,803.01 and disbursed it upon your checks as heretofore, the adjournment of Councils for the summer rendering it impossible to secure such an ordinance before October, and the urgency of the situation making it necessary that these payments should be made.

I can readily understand how in an emergency you may have found it necessary to follow this course, and that, as you state, your "action is not to be construed as evidencing any reluctance to comply with your (my) suggestion." I do not think an ordinance of Councils is necessary to authorize the City Controller to countersign warrants for the payment of these moneys in the manner directed by the Act of Assembly; an ordinance would merely duplicate that which the Act has already done. I have to-day, in answer to his request, so advised the Controller and he will act upon such advice. Therefore, future instalments of the appropriation received by you should be paid into the City Treasury, where the money rightfully belongs and where it will draw interest for whatever time it remains, and there will be no further difficulty in your drawing warrants against them which will be duly countersigned by the City Controller and paid by the City Treasurer on presentation.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 19, 1913.**Interpretation of Proposal Form for Grading.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter dated August 15th, from the Chief of the Bureau of Highways and Street Cleaning, approved by your Assistant Director, inquiring whether the bid made by Frank Curren on August 1st, for grading Hunting Park avenue, from Sixth to Ninth street, is in legal form, and whether you may award the contract to him for this work.

It appears that in the proposal form which was supplied to him it read, "For grading in accordance with these specifications. The sum of.....(\$....) per cu. yd.," and that in filling out the blank the bidder inserted after the word "of" the sum which he would receive at the rate of 47 cents per cubic yard calculated upon the entire estimated yardage in the work, and after the dollar mark (\$) in the parenthesis, the figures 47 cents.

I presume that there is no special directions in the proposal forms as to the manner of inserting the bid in the blank space, and as it is evident that the bid is 47 cents per cubic yard, and not \$1,849.45, you could probably have awarded the contract to him without the letter which he subsequently wrote to you confirming the obvious inference to be drawn from the inserted words and figures.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 20, 1913.**In re Selection of Deputy Poll Tax Collectors.*

HUGH BLACK, ESQ.,

Receiver of Taxes.

DEAR SIR:—Permit me to acknowledge the receipt of your letter of even date herewith, setting forth that you are

required to make appointments of Deputy Poll Tax Collectors at once, and desiring to be informed as to whether or not under the Act of Assembly of July 24, 1913, you have discretionary power in appointing these Deputy Poll Tax Collectors from the Registrars appointed in each of the various election districts of the City of Philadelphia by the Registration Commissioners, or, whether, under the Act of May 5, 1897, P. L. 38, it is obligatory upon you to make such appointments from out the Registrars whose political views may be in accordance with the majority of the voters in said election district. You also send to me the communication from the attorney of the Washington Party upon the same subject, making the request upon you to appoint a Washington Party Registrar as the Deputy Poll Tax Collector in every one of the five hundred election districts in which the Washington Party polled a majority of the votes at the last election, and giving as his authority to make said request the Act of 1897.

In reply thereto permit me to say, by Section 1 of the Act of the Legislature approved July 24, 1913, it is enacted:

“That the Receiver of Taxes in cities of the first class of this Commonwealth shall designate one of the Registrars appointed by the Registration Commissioners for each election district in said cities to be Deputy Poll Tax Collector for such district, who shall receive poll taxes from persons who have been duly assessed in said district, and make proper receipt therefor on any of the registration days provided by law.”

There is contained in said Act no limitation whatsoever upon your power of designation, and by subsequent provision these Deputy Tax Collectors shall give bond in form and amount to be approved by you, and for them, as for all your other appointees, you are responsible.

In my opinion, the Act of May 5, 1897, P. L. 38, has no application whatsoever to these positions of Deputy Poll Tax Collector provided for in the Act of 1913. It relates to vacancies existing through the “disqualifica-

tion, removal, resignation, death or other cause in an Election Board heretofore elected or appointed," and provides for a method by which such vacancy may be filled, and that in the filling of vacancies on certain contingencies "the Judge of Election shall in all cases be of the political party having the majority of votes in said district. . . ."

I therefore advise you that your power to designate the Deputy Poll Tax Collectors is unlimited, save only that the person named by you shall be one of the Registrars appointed by the Registration Commissioners, and that this person selected by you may be of any party.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 21, 1913.

Specifications for Contract for Street Lighting for 1914.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry as to the legality of certain specifications which are proposed to be made part of the contract for lighting the streets of the City for the year 1914, upon which bids are to be invited. The specifications in question are of considerable length and involve numerous scientific and technical matters which this Department does not feel itself called upon to discuss or consider.

The main feature in which these specifications differ from those which have been prepared in former years is that they permit the bidder to name and describe the character of lamp upon which his proposal is based, as well as the nature of the illuminating medium which he intends using, the compensation being calculated upon the degree

of light to be furnished, and the respective bids being computed upon the prices demanded for stated amounts of light offered to be supplied to the City. The former practice, on the contrary, has been to designate with great particularity in the specifications the kind of lamp and the lighting medium, to which all bidders were required to conform their proposals, the bids being compared merely by the prices named in them respectively for each lamp.

The primary object of all public bidding is to throw open to the widest possible competition the contract for the service or commodity to be purchased. This is fully recognized in the decisions of the Courts. *Parker vs. Phila.*, 220 Pa. 208. In order, however, that the requirement of law may be complied with, that the contract shall be awarded to "the lowest responsible bidder," the municipal authorities in inviting bids are required to furnish a common standard for such bidding, so that the necessary calculation may be made to show which bidder is the lowest one. *Mazet vs. Pittsburg*, 137 Pa. 548. It is, of course, impossible to make a comparison of bids unless the thing offered by the respective bidders is the same; prices can be estimated with respect to each other only if applied to the like material or work. On the other hand, our Courts have recognized the necessity and convenience of permitting what are called alternative bids, and even, in some instances, of allowing the bidder to designate the precise article he offers or the methods proposed by him to accomplish a given result. *Parker vs. Phila.*, *supra*; *Carroll vs. City*, 183 Pa. 55; *Paving Company vs. Wagner*, 139 Pa. 624; *Schuck vs. Reading*, 186 Pa. 248; *Brick Co. vs. Phila.*, 164 Pa. 477.

As already stated, the real and principal purpose of the legislation requiring public contracts to be let to the lowest bidder is to insure in all cases the benefit to the public of the widest and most unlimited competition which it is possible to secure.

I have been furnished by your Department with a memorandum stating many reasons why the object in view can best be attained by permitting competitors to name the kind of lamps and the lighting medium proposed, besides

many other advantages which it is thought the City might derive from following that course. In part the matter is one of administrative detail. The competition which will be invited by this method is in results, that is to say, in the amount of light to be furnished for the price named by the bidder, rather than a competition merely as to the sum to be paid for a fixed and definite device, method or lighting substance.

It is readily perceived that the article to be bought and paid for in this instance is light, not a particular mechanism or medium for its production; and while the more common practice in inviting bids is to specify minutely and in detail the subject thereof and all its characteristics, yet I am not prepared to say that the method now suggested is unlawful, especially in view of the reasons for it which have been submitted to me and to which I have already referred. If, therefore, upon full consideration you are satisfied that the benefit of unlimited or very wide competition is attainable in a superior degree by this plan and that it will be advantageous to the City in the many directions indicated in the memorandum prepared in your Department, I would advise that the specifications be adopted as you have drawn them, and that bids for the contract be duly invited thereon.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 21, 1913.

Legality of Contract with Day & Klauder, Architects.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of August 12th, enclosing a proposed contract between the City of

Philadelphia and Day & Klauder, Architects, for services to be rendered by said architects in the construction of additional buildings for contagious diseases upon ground owned by the City at Byberry, and requesting me to approve the same as to form.

I do not know who drew this contract and can therefore only judge, from its extremely strict and binding provisions in favor of the architects and the absence of similar protection to the City, that it was drawn by some one primarily interested in protecting the former. Under the provisions of the Bullitt Bill it is the duty of the City Solicitor to "prepare all contracts to be made with the City, or any of its trusts or departments, and endorse on each his approval of the form thereof before the same shall take effect." My duty with respect to the endorsement of my approval of contracts as to form is confined, as will be seen from the above quotation, to those which are prepared by me. The law does not oblige the legal adviser of the City to approve contracts when they are drawn by others. My refusal to approve the contract which you send me is not based, however, upon the technicality that it was drawn outside of this Department. If its subject matter were lawful, I would endorse my approval upon it without hesitation. I apprehend, however, that the law officer of the City, whose duty to prepare the contracts of the City is thus clearly prescribed by the Act of Assembly, is with equal clearness bound to refuse to prepare, or take part in the preparation of, or approve in any way, an instrument intended to carry into effect an unlawful object. It is not the business of the City Solicitor to draft illegal contracts, nor is there any "form" known to the law for carrying into effect such purposes. If it were within the power of either yourself or the Director of the Department of Public Health and Charities to employ Day & Klauder as architects in the construction of the proposed buildings, I would either approve the contract which you have sent me, or suggest modifications of it. This Department has, however, advised the Director of Public Health and Charities that there is no warrant in law for the employment of any architect other than the City Architect. My opinion in

that respect has not changed, and I cannot participate in any manner in the preparation or execution of such a contract, and must therefore decline to approve the paper which you send me, either as to form or as to substance, upon the ground that the objects of the proposed contract are illegal.

In a letter upon this subject, written to the Director of the Department of Public Health and Charities on July 31, 1913, I briefly pointed out wherein I conceived the contract to be illegal. As you may not have a copy of that letter I shall, with your permission, again point out a few of the reasons which forced me to that conclusion.

The first great public building in this City was the City Hall. It was built under the supervision and control of a Public Building Commission created by Act of Assembly. This body was authorized in the Act which created it to employ a competent architect for the project, and during all of its existence it employed such a person. In the year 1901 the Public Building Commission was abolished and the completion of City Hall passed by operation of law to the Department of Public Works. Until this time the municipality had no permanent official architect. In the year 1902, however, the necessity for a City Architect became pressing, and we find in the appropriation ordinance for that year the first provision for that office. From 1902 to the present time the City has regularly employed a City Architect at a fixed annual salary. From time to time, however, it has been found necessary to employ other architects for special City work. Mr. John T. Windrim was employed in drawing plans for the construction of the proposed Convention Hall in Fairmount Park, and Mr. Carl P. Berger in the construction of the temporary Convention Hall. Contracts for their employment, however, were specially authorized by ordinance of Councils; and so far as the practice in the past is concerned the precedents are all in favor of the necessity for special authorization by Councils before private architects can be employed in City work. Indeed, in the contract with Mr. Johnson executed some years ago for services as architect in the construction

of buildings for contagious diseases at Byberry Farms, which I have already advised you is illegal, an ordinance was secured authorizing the employment of an architect before the City ventured to enter into a contract with him.

Councils have already provided a permanent and regular architect for all City work at a salary of \$4,000 per year, and it must be presumed in the absence of direct authority to the contrary that moneys appropriated for the erection of buildings are not to be expended for the employment of persons to perform the functions of an office which the Councils of the City have already provided for and which you have filled.

I do not find such authorization in the ordinance of June 11, 1913. This ordinance is cited in the preamble of the contract which you sent me as authority for its execution. The ordinance reads as follows:

“That the Director of the Department of Public Health and Charities be authorized to construct additional buildings for contagious diseases upon ground now owned by the City of Philadelphia, and charge the same to Item 130 (loan) in the appropriation to the Department of Public Health and Charities (Bureau of Health) for the acquisition of such land and construction of buildings for contagious diseases, \$250,000.”

I do not so read this ordinance as to authorize either yourself, through the City Architect, or the Director of the Department of Public Health and Charities, to employ other persons to discharge the duties of the City Architect upon commissions which will amount to something in the neighborhood of \$25,000, which sum would thus be diverted from its intended purpose. Councils have provided for you, and for all the Departments properly having charge of municipal construction work, the services of a competent architect and the money appropriated in this ordinance is, by its terms, to be expended in the construction of certain buildings, and in no other manner. This view is further borne out by the consideration that the

money thus appropriated is loan money borrowed under authority of a vote of the people and of the ordinance of May 2, 1913, which describes the purpose of this portion of the loan as being "for the acquisition of such land and construction of such buildings for the Philadelphia Hospital for Contagious Diseases and the Home for the Indigent as Councils shall hereafter authorize, \$250,000." The money thus borrowed and appropriated must be expended in the construction of buildings, and not in hiring a third person to discharge duties which should be performed by the City Architect.

You state in your letter that there is pressing need for new buildings at Byberry to accommodate patients in case of epidemic, and assign this urgency as your reason for desiring the prompt execution of this contract. May I suggest that you already have a City Architect, who can start immediately upon the preparation of plans for the buildings? If, however, he is unable for any reason to prepare the plans and supervise the work, an ordinance of Councils making the necessary appropriation can specially authorize the employment of another architect.

The copy of the proposed contract which you sent me contains a number of ambiguities and would, I believe, be productive of much litigation. Were my objections to it based merely upon the ground that some of its provisions are inaptly expressed, I would be glad to offer suggestions for their correction, but the general underlying purpose is, in my opinion, unwarranted in law, and I do not consider it necessary or expedient to criticise the details of the paper.

Upon the ground of its evident illegality, and for the other reasons which I have already given to the Director of Health and Charities, I return herewith the draft of the proposed contract, which I decline to approve in any manner.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 22, 1913.**Assessment of Property on Manheim Street for Paving.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—The letter of the 20th inst., from the Chief of the Bureau of Highways, approved by the Assistant Director of your Department, inquiring whether the abutting properties on Manheim street, from Wayne avenue to Germantown avenue, are assessable for paving, has been received.

Under the law, abutting property owners are not liable to assessment except for an original paving. An original paving "may be defined generally as one that is put down originally or adopted or acquiesced in subsequently by the municipal authority, for the purpose and with the intent of changing an ordinary road into a street. It may be macadam or anything else. That is a matter of evidence only. If the purpose and intent be wanting, a mere surfacing of the road, however carefully and expensively done, will not be a paving, but if the intent and purpose are present, or to be fairly inferred, then there is a paving whatever the material may be." (*Phila. vs. Eddleman*, 169 Pa. 452.)

In the letter it is stated that under the ordinance of May 16, 1863, the property owners were required to deposit \$500 as part payment for surfacing the street before the contract be entered into, and although there appears to be no record of the money being deposited, presumably it was deposited or the work would not have been done; also, that since the street was originally turnpiked, it has been repaired and resurfaced many times; all of which is evidence, though not conclusive, that this was intended as an original paving.

The controlling consideration is whether the municipality has done any act which would be construed as an

acceptance or adoption of the present pavement. Mere maintenance of the highway, and repairs and repaving for the purpose of such maintenance, are not sufficient to indicate municipal recognition of the highway as a street. Ordinarily, macadamizing is not considered street paving in a large city, and I would therefore advise you that the proper course for your Department to pursue would be to assess the abutting property owners with the cost of the paving, in compliance with the ordinance of June 24, 1913.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 26, 1913.

In re Act Regulating Tenement Houses.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of the letter of August 21st of the Chief of the Bureau of Building Inspection, approved by you, requesting an opinion whether an addition may be built to a building that had been erected prior to June 7, 1895, and which does not fall within the requirements of the Act of 1895, but which may fall within the requirements of the Act of July 22, 1913.

Section 6 of the Act of July 22, 1913, provides in part as follows:

“No court or open space between tenements or between wings of a tenement shall be of a less width than twelve feet, except in buildings erected prior to June 7, 1895, and which are not over three stories in height, where the open space between the walls

of the wings of tenements shall be not less than five feet; providing the length of such wing or wings is not more than thirty feet," etc.

In accordance with the foregoing provision I am of the opinion that an addition may be made to a building erected before June 7, 1895, and not complying with the Act of that date, but complying with the Act of July 22, 1913; with the further provision that any alteration or addition shall be limited to five rooms and a bath for each floor, as further provided in the Act of 1913, and that therefore an addition to a building not over three stories in height, erected prior to 1895, must be restricted to five rooms and a bath on each floor.

The second inquiry is whether, if it be desired to erect a new building having two families living above the first story, will the builder be obliged to comply with the Act of June 7, 1895, regulating tenement houses in so far as concerns the width of the courts, as provided for in that Act.

Section 4 of the Act of July 22, 1913, is in part as follows:

"The term 'tenement' shall mean any house or building which, or a portion of which, is occupied as a residence by three or more families living independently of each other and doing their cooking on the premises, and having a common right in the halls, stairways, yard, cellar or water-closets thereof, or some of them; or by two or more families occupying apartments above the first floor, living independently of each other, and having a common right in the halls, stairways, yard, cellar or water-closets thereof or some of them."

Section 12 of the Act of June 7, 1895, defines a tenement house somewhat differently, as: "every building which, or a portion of which, is occupied or is to be occupied as a residence of three or more families, living independently of each other, and doing their cooking upon the premises," omitting in this definition the reference to

new buildings having two families living above the first story. Buildings of this character are therefore not within the Act of 1895, but are covered by the provisions of the Act of 1913, and an owner desiring to erect such a building would be obliged to comply only with the latter Act.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 27, 1913.

*In re Act Authorizing Appropriation of Loan Money
Before it is Borrowed.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your letter of the 26th inst., inquiring as to the legality of the Act of July 24, 1913, making it lawful for appropriations to be made, contracts entered into and work and material furnished when the funds therefor shall have been authorized to be borrowed by cities of the first class, without awaiting the issue of the loans or the receipt of the money to be so borrowed.

You state that this Act is radically at variance with the Act of June 11, 1879, known as the "Pay-as-you-go" Act, and also with the Bullitt Bill, and you call attention to the fact that it does not contain a specific repealer of those Acts, but only a general repealing clause of inconsistent Acts or parts of Acts.

The Act was prepared, as you will recall, after a conference held in this Department at which you, the City Treasurer and Director of the Department of Public Works attended, and was the result of a suggestion made by the latter official. Its purpose was, as you are aware,

to obviate the necessity for borrowing the entire amount needed to finance public improvements 'to be constructed with loan money before such improvements should be begun, thus saving to the City the payment of interest upon loans, in some instances for many years before their proceeds could be used, and substituting a method of borrowing the money from time to time as it might be needed during the progress of the improvement. The wording of the proposed Act so prepared has been somewhat changed in its passage through the Legislature and it is not so clear as to its meaning as it was when originally drawn; nevertheless, I think the scope and object of the statute sufficiently appear for practical uses. That it is a departure from the policy of the Act of 1879, and, perhaps, of the Bullitt Bill, may be admitted, for it was deliberately formulated with that end in view and for the purpose of avoiding the expense and inconvenience which the stringent provisions of the Act of 1879 entailed. The new Act is, of course, only applicable in the case of loan moneys and has no bearing upon the appropriation and use of other funds.

The general repealer of conflicting Acts is sufficient. Indeed, without any distinct repealing clause a statute will be held of itself to work the repeal of earlier inconsistent legislation.

I am of opinion that the Act is legal and valid, and that in so far as its provisions extend, and as to the earlier Acts of 1879 and 1885 may be in conflict therewith, those Acts are to such extent repealed by it.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 27, 1913.

*Young Men's Christian Association; Act as to Fireproof
Buildings.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Building Inspection, approved by you, referring to Section 2 of the Act of April 25, 1903, and inquiring whether the building to be erected for the Young Men's Christian Association, which is more than four stories in height and used as a club-house, is required to be a fireproof building in accordance with the provisions of that section of the statute.

The provisions in question are that:

“Any building hereafter erected or altered to be used as a hospital, asylum or institution for the care or treatment of persons, the height of which exceeds two stories, and every building hereafter erected or altered, to be used as an apartment house, tenement house, flat house, lodging house, hotel, school or police station, the height of which exceeds four stories, shall be a building of the first class,” etc.

The building to be erected for the Young Men's Christian Association does not come within any of the foregoing categories. Club houses are not mentioned among them, and I am clearly of the opinion that the building to be erected for the Young Men's Christian Association cannot be regarded as included among those to which the above provisions of the Act relate.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, August 28, 1913.**Payment to E. H. Vare after Cancellation of Contract.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your communication inquiring whether a warrant sent to you by the Department of Public Works, dated August 2, 1913, in the sum of \$15,391.79, to the order of Edwin H. Vare, for work done under contract for the completion of the South Broad Street Boulevard, southward from Moyamensing avenue, dated June 22, 1910, and cancelled and annulled by agreement dated June 27, 1913, can be properly charged by you against the amount remaining to the credit of said contract at the date of cancellation.

It appears that the contract with Mr. Vare for the completion of the Boulevard was annulled by agreement in writing on the 27th day of June, 1913, in the following language: "That the said parties, for and in consideration of one dollar each to the other paid, and of divers other good and valuable considerations, hereby mutually release and surrender all rights, claims and demands of whatsoever nature arising or growing out of the same."

I am now informed that at the time of the execution of this contract of annulment Mr. Vare had done work and furnished materials under the original contract to the value of the sum represented by the warrant now in your hands, and that the City had not paid him for the same. I am now further informed that it was either orally agreed or tacitly understood at the time of the execution of the contract of annulment between Mr. Vare and the Department of Public Works, that he would be paid for the work which he had already done and for which he was not paid. If such was the case, the parties should have caused a provision to that effect to be inserted in the contract, and you could have then properly countersigned

the warrant now in your hands. This was not done, however, and the sweeping and absolute release contained in the written agreement of annulment is at variance with what I am now informed was the real understanding between the Department and Mr. Vare.

I am of the opinion that you are bound to enforce the clear provisions of the contract of annulment on behalf of the City, and that you cannot, therefore, countersign the warrant that you hold. A municipality can only be bound in writing, and it is your duty to follow the written rather than the vague oral report of what may be the real situation.

I realize that in doing so a hardship may result to the contractor, but the defect can be remedied by ordinance of Councils recognizing the moral obligation of the City, and, though this means of correcting the error may entail delay, I believe it is better to follow the method provided by law for meeting such a situation than that you should take upon yourself the responsibility of altering the effect of a written contract of the City upon mere representations.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 28, 1913.

*Judicial Determination of Act Providing Revenue for
State and County Purposes.*

A. MERRITT TAYLOR, Esq.,

Director, Department of City Transit.

DEAR SIR:—I am in receipt of your letter of the 27th inst., asking to be advised what steps should be taken to secure, at the earliest possible moment, final judicial determination as to the validity of the Act to provide revenue

for State and county purposes, etc., approved June 17, 1913, and as to the efficacy of that Act in making taxable personal property a basis for additional municipal borrowing capacity.

You state that you are extremely anxious that any question of the validity of bonds issued by the City on the basis of assessed value of personal property shall be finally determined with the utmost dispatch, in order that money may be available for transit development at the earliest possible moment.

I share your desire to have this question adjudicated at the first practicable moment and will be glad to further whatever may be done to expedite its final settlement. It is impossible, however, that any steps shall be taken in this direction until a real question shall arise, not as to the abstract validity of the statute, but as the legality of action taken under authority thereof. The Courts will not decide moot questions and would refuse to entertain an application merely to determine the validity of the Act until a specific case should be involved calling for such determination. Should Councils take some action, as by authorizing a loan of an amount for which the remaining borrowing capacity of the City upon the basis of its real estate valuation would not suffice, and accordingly it would become necessary to resort to the personal valuation for such basis, the question would then be ripe for judicial determination, for proceedings might at once be instituted to test the validity of the proposed loan; but before a loan of that character would have the semblance of legality it would be necessary that the assessment of taxable personal property should be made and the amount thereof fixed. There has, of course, not yet been any assessment of personal property for the purpose of municipal taxation, and until such assessment shall be completed that element in the calculation will be wanting, and consequently a test of the validity of such a loan could not well be made.

In other words, before judicial proceedings can be commenced to determine the efficiency of the Act of June 17, 1913, there must have been (1) an assessment and return

in accordance with law of the taxable personal property, and (2) Councils must have taken the necessary action to authorize a loan dependent in whole or in part for its validity upon the basis of such taxable personal property.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, August 29, 1913.

*In re Act Providing Revenue for State and County
 Purposes.*

A. MERRITT TAYLOR, ESQ.,

Director, Department of City Transit.

DEAR SIR:—I am in receipt of your further inquiry of this date as to when assessments of taxable personal property will be made and fixed for the purpose of municipal taxation in order to establish a date when steps leading up to a judicial determination of the validity and efficacy of the Act of June 17, 1913, may be taken.

The reason why taxable personal property has not heretofore been available as the basis of the municipal borrowing capacity is because that tax was for State and not for county or city purposes, as it has been made by the Act in question. Section 16 of that Act, however, provides: "That no tax by said first section imposed shall be collectible or collected for the year 1913; it being intended that the tax upon such personal property for said year shall be collected by and for the State under existing legislation."

From this provision it appears that the taxation for City purposes will not begin until the tax for the year 1914 shall be assessed and become collectible. In the case of *Elliott vs. Philadelphia*, 229 Pa. 215, the Supreme Court, after an exhaustive consideration of the laws re-

lating to the assessment of taxable property, decided that the "last preceding assessed valuation" upon which, under the Act of 1874, the borrowing capacity of the City may be calculated was the one contained in the duplicates certified by the Board of Revision of Taxes to the Receiver of Taxes and in his hands for collection on February 1st of the current year. At the time of that decision the Act of March 24, 1909 (P. L. 76), was in force, which provided that the books of the Receiver of Taxes should be open and the payment of taxes commenced on February 1st of each year. Since then the Act of July 21, 1913, has altered the date when the books of the Receiver of Taxes shall be opened to the 25th of January in each year. The Board of Revision of Taxes is required to have the assessments completed and in the hands of the Receiver of Taxes so that the books may be open on the date thus specified and the collection of taxes may begin.

Under authority of the case of *Elliott vs. Philadelphia*, above quoted, the Board of Revision of Taxes has no authority to change the assessments after the date when the books are thus opened, which accordingly will become the fixed period at which the assessment for the year 1914 may be said to be definitely completed. At that date, therefore, that is, on January 25, 1914, the assessment will be fixed and an ascertained basis for computing the taxable valuation of property, real and personal, for the year 1914 will have been reached.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 2, 1913.

Regulation of Garbage and Manure Falling into the River.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.

DEAR SIR:—I am in receipt of a letter of the 30th ult., from the Assistant Director of your Department, referring

to the practice which prevails of throwing garbage and manure into the Schuylkill river, or handling it in such a negligent manner that it is permitted to fall overboard. Inquiry is made whether the case is covered by Section 12 of the Act of June 8, 1907 (P. L. 496), establishing a Board of Commissioners of Navigation for the River Delaware and its navigable tributaries, or whether the language of that section relates only to heavy articles and not to garbage or manure light enough to float; also, if the law is sufficiently broad to prohibit this practice, whether action can be taken directly by your Department, through this one, or whether the complaint should be made by the Commissioners of Navigation.

Section 12 of the Act of 1907 is as follows:

“If any person or persons whosoever shall, from and after the passage of this Act, cast or place or leave in position where the same may be washed or drifted into the tideway of the River Delaware, or into the River Schuylkill from the lower falls thereof to its junction with the River Delaware, any ballast, cinders, ashes, dirt, refuse, or any heavy article whatever, he or they so offending, for every such offence, shall forfeit and pay a sum not exceeding one hundred dollars, to be sued for and recovered, with costs of suit, by the President of said Commissioners, for the use of the Commonwealth, before any Magistrate of the City of Philadelphia, or Justice of the Peace of the proper county.”

In my opinion the word “refuse” as here used is not confined to refuse which is heavy enough to sink in the water and thus obstruct the channel. Cinders and ashes are specifically mentioned, which may or may not in given cases be of sufficient weight to sink. I think garbage, whether heavier or lighter than water, is refuse within the meaning of the statute.

The provision is that suit is to be brought by the “President of said Commissioners” for the use of the Commonwealth. The subject should, therefore, be called

to the attention of that official with a request that he enforce the requirements of the Act. It would not be the duty of your Department to take such action.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 5, 1913.

Compensation of Election Officers for Extra Hours of Service.

JOHN M. WALTON, Esq.,

City Controller.

DEAR SIR:—In reference to the letter of August 27th from the City Commissioners to yourself concerning the constitutionality of the provision of the Act of July 12, 1913, providing that the election officers shall receive the same compensation for their services at the primary elections as they are paid at the regular elections, and which letter you have handed me with an oral request for the opinion of this Department thereon, permit me to advise you as follows:

In the letter it is said that the newspapers have reported the opinion to be officially entertained that this provision of the Act in so far as it applies to election officers chosen before its passage is in violation of Art. III, Section 13 of the Constitution, which provides that "no law shall extend the term of any public officer or increase or diminish his salary or emoluments after his election or appointment."

The Act of 1913 (No. 400), in Section 11, directs that the Election Boards "shall receive the same compensation for their services as they receive at elections. * * * The polls shall be open between the hours of seven o'clock ante meridian and seven o'clock post meridian." Hereto-

fore this subject has been governed by the Act of February 17, 1906, Section 8, P. L. 40, which provided that the Election Boards should "receive one-half the compensation for their services that they receive at elections * * * the polls shall be open between the hours of two post meridian and eight post meridian." The Election Boards are provided for by Art. VIII, Section 14, of the Constitution, and the members thereof are designated in that section as "officers."

I think it clear, therefore, that those members are public officers within the meaning of Art. III, Section 13, of the Constitution, and it has been so expressly decided in the case of *Goodman vs. Commissioners*, 17 C. C. 393.

If, therefore, the Act of 1913 had done no more than increase the compensation of those officials, it would be presumed to be restricted to those chosen after its passage; or, if it were intended to apply to such of the designated officials as were already in office at the date of its approval, the Act would to that extent be unconstitutional and void. *Richie vs. Phila.*, 225 Pa. 511. But, as is already seen, the Act not only increases the emoluments of the election officers, but in like manner adds to the duties imposed upon them. Under the Act of 1906 the primary elections covered a period of six hours, from 2 o'clock in the afternoon to 8 o'clock in the evening. This is changed by the Act of 1913 so that the polls are open from 7 A. M. to 7 P. M., the same period which the Act of January 30, 1874 (P. L. 34), Section 5, has provided for the opening of the polls at the regular elections. This is exactly double the time that the services of the election officers were required at primary elections before the passage of the latter Act, and this fact, it is seen at a glance, constitutes the reason why the Legislature deemed it fit to increase the pay of those officers in the same ratio.

Where new duties are imposed upon a public officer, and especially one who is not compensated by a periodic salary, it is within the power of the Legislature to provide additional compensation for such increased service. *Corr vs. Lackawanna County*, 163 Pa. 57; *Shiffert vs. Mont-*

gomery County (2), 5 D. R. 570; In re Courts of Lancaster, 4 Clark, 315; Comm. vs. Kromer, 4 Pa. C. C. 242; Opinion Deputy Attorney General on pay of Judges for occasional services in other counties, 4 Pa. C. C. 596, page 600.

It is true that in such cases, if the Legislature does not specifically make provision for the added compensation, the incumbent of the office will not be entitled thereto, but must perform such duties without charge. Nevertheless if the payment for the newly exacted duties be specifically directed the provisions of Art. III, Section 13, of the Constitution will not be violated thereby. *Corr vs. Lackawanna County, supra.*

It would seem that the doubling of the hours of attendance required of the election officers at primary elections is a substantial imposition of new duties upon those officials within the meaning of the foregoing decisions, and I am therefore of opinion that the provision of Section 11 of the Act of 1913, concerning which the Commissioners inquire, is a valid and constitutional enactment, and that you would be justified in countersigning warrants for the compensation of the election officers in accordance with its direction.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 9, 1913.

*Cancellation of Allotments Made Against \$7,000,000
Loan.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your communication of the 5th inst., relative to so much of the recent seven mil-

lion (7,000,000) dollar loan as has been borrowed, and asking whether a letter from the Mayor requesting the City Controller to cancel the allotments would have the effect of releasing moneys so allotted to specific contracts and thus postpone the day when the balance of the loan will have to be sold to meet the payments on warrants. You further state that unless these allotments made by the Mayor are cancelled, it will mean that large sums of money not now needed by the City to meet demands for payments will be tied up for an indefinite period.

Before the passage of the Act of July 24, 1913, it was necessary to allot so much of the loan as had been negotiated among the various objects for which the money had been borrowed, for under the law as it then stood, no contract could be entered into or work done thereunder until the money to meet it had been actually realized and placed in the City Treasury. While there was no specific authority vested by law or ordinance in the Mayor to allot the moneys so borrowed, yet since he was authorized to issue the loan at such times and in such proportions as he thought best, it was deemed a proper method of administration for him to indicate by allotment so much of the borrowed money as should be devoted to each specific object, thus avoiding the entering into contracts and ordering of work for which the loan fund might not be available. Under the Act of 1913, however, the whole proceeds of the loan may be appropriated in advance of the issuance of the bonds, and contracts may be entered into and work done thereunder in pursuance of such appropriation. The appropriation of the entire seven million (7,000,000) dollar loan has been made by Councils, although but a part of it has as yet been borrowed. The reason for the allotments has therefore, in a great measure, ceased, as it is no longer required to separately earmark or, indeed, to have in the Treasury the portions of the loan which are to be expended for the several purposes at the time when the contract is entered into or the work ordered to be done.

I am of opinion, therefore, that there is no objection to the cancellation of the allotments hitherto made—the

matter becoming one merely of bookkeeping. Just in what manner the books of the City Controller and the City Treasurer may be adjusted to meet the changed conditions is a difficulty of detail, but this should be overcome without serious trouble, and I recommend that both those officials be consulted by you as to this.

You will, of course, understand that the new Act does not dispense with the necessity for having the loan money physically in the Treasury before warrants are actually drawn under the contracts to provide for which the funds are directed to be borrowed, for if this precaution is not observed, the whole fiscal system of the City would be thrown into confusion.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 9, 1913.

Repairs to Streets Under Contractor's Guarantee; no Deposit Under the Contract.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, inquiring as to the correct practice where a contractor has refused to make good his guarantee to keep streets in repair, and where there is no money or available security deposited by him under his contract.

It is stated that some question has been raised as to the right of the City in such cases to use money appropriated for the repair of the streets generally to make the needed repairs. It is further stated in the letter that the repairs must be made or the City will be liable for damages

for accidents, and that the person employed to make them cannot be expected to await the result of a suit by the City against the original contractor before receiving the sum which may be due him for the work.

I agree in this suggestion and am of opinion that funds appropriated for repairing the streets may be used for this purpose. The course outlined in the letter of the Chief of the Bureau is, I think, the proper one, to wit: to serve notice on the contractor and on his surety to make the repairs in accordance with the contract, and if the contractor refuses to make them to turn the work over to the contractor having the contract for repairs to the streets, and sending a certified copy of the bill for the work to this Department with copies of the notices served on the contractor and his surety, in order that suit may be brought against them.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 10, 1913.

*Right of Policemen to Receive Registration Books from
County Commissioners for Delivery to the Judges of
Election.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 9th inst., inquiring whether in the judgment of this Department "there is anything that would preclude a police officer receiving from the County Commissioners the registration books properly sealed in envelopes as is the custom, and delivering the same to the various judges of election, and obtaining receipts therefor." You enclose copy of a letter from the President of the Board of County

Commissioners on behalf of himself and his constituents, to the Attorney for the Board of Registration Commissioners, in which a request to have the former body deliver the registration books to the police for transmission to the election officers is declined.

The statute devolves upon the County Commissioners the sole responsibility for placing the registers in the hands of the election officers and does not confide any function to the police authorities with respect thereto. The definite refusal of the County Commissioners to hand the registration books to the policemen does, therefore, necessarily preclude the latter from receiving them, as the County Commissioners cannot be required to part with these books except in due course to the election officers, as provided by the Act of Assembly.

It is the undoubted right of the Commissioners to select the agency of transmission, and while they could perhaps employ policemen for that purpose, yet if they will not, you are without power to compel them.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 13, 1913.

Granting of Billiard Room License to Unnaturalized Person.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 12th inst., stating that you have before you an application for a license for the operation of a pool and billiard room under the Act of June 7, 1911, on behalf of a man who has taken out his first papers, but has not yet completed

his naturalization, and asking if that fact will bar him from securing a license.

Section 2 of the Act of 1911 provides that "licenses to keep or maintain any house, room or place for the public use of billiard tables, pool tables and bagatelle boards or tables shall be granted only to citizens of the United States of temperate habits and good moral character."

As the applicant concerning whom you inquire is not as yet a citizen of the United States, he is debarred from receiving a license under the foregoing provision of the statute.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1913.

*Payment for Macadamizing of York Road, Loudon Street
to Fishers Avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Highways and Street Cleaning, bearing your approval, with reference to the ordinances authorizing the improvement of country roads. One of said ordinances, which was passed over the Mayor's veto on June 20, 1913, according to the statement of such letter, provided that out of the total appropriation of \$300,000 to Item 133 (loan) to the Department of Public Works (Bureau of Highways) the sum of \$200,000 should be used for the improvement of the roads enumerated in the ordinance, and that the other \$100,000 should be devoted to the improvement of such country roads as are now surfaced; that York road, from Loudon street to Fishers avenue, is not a surfaced road and consequently cannot be paid for out of the \$100,000 to be expended for that purpose; that another

ordinance, approved by the Mayor, of June 24, 1913, authorized the grading and macadamizing of that portion of York road above mentioned to be paid for from the same item, to wit, No. 133 (loan), appropriated to the Department of Public Works (Bureau of Highways).

The question asked is whether such macadamizing can be paid for out of the Item of \$200,000 appropriated under the first mentioned ordinance for the improvement of certain designated roads.

That ordinance provides "that no part of the money of said loan shall be used otherwise than to improve the streets and roads herein named substantially upon the present lines and present physical grades."

If this ordinance stood alone, therefore, the macadamizing of York road between the limits mentioned could not be paid for out of Item 133 (loan), for it is not one of the designated roads for which the \$200,000 is appropriated, and not being already surfaced no part of the \$100,000 could be used in connection with it. But the ordinance which became a law on June 24, 1913, took effect after the one which was approved on June 20th of that year, and to the extent that it is inconsistent with the earlier ordinance operates as a repeal or modification thereof; therefore the macadamizing of York road may be paid for out of the total appropriation of \$300,000 in the item referred to. Whether it should be deducted from the \$100,000 for improving country roads not already surfaced, or from the \$200,000 set apart for the designated roads, is not quite so clear. I think your Department would have the power to use its discretion in this respect, since the later ordinance is not explicit on the point. I believe, however, that the intention to be ascribed to this legislation as a whole is that York road, from Loudon street to Fishers avenue, is to be taken as added to the other roads for which the \$200,000 is appropriated, and that, therefore, the expense of macadamizing it may most properly be met from the appropriation of \$200,000.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 16, 1913.

*Curran Contract for Grading Hunting Park Avenue from
Sixth to Ninth Streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication dated September 10th, from William H. Connell, Chief of the Bureau of Highways and Street Cleaning, approved by yourself, relating to the propriety of awarding a contract to Mr. Curran for grading Hunting Park avenue, from Sixth to Ninth street, for which a bid slightly irregular in form was filed.

You call my attention to a clause in the proposal form which requires that "bidders must name the price per unit of measurement, both in writing and in figures, for each item, where prices are called for, and any bid which fails to do so will be held to be informal and may be rejected," and inquire whether the failure of the bidder to comply strictly with this clause renders his bid unlawful.

The clause referred to gives you power to reject the bid if you deem proper, but it is not *ipso facto* invalidated by the failure of the bidder to comply with it. The matter is entirely within your discretion, and you can properly award the contract to Mr. Curran.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 19, 1913.**Cleaning of Cellars after Overflow Caused by Insufficient
Sewer Capacity.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 12th inst. from the Chief of the Bureau of Highways and Street Cleaning, approved by you, stating that complaints have been recently received of the flooding of cellars after heavy storms, due to the insufficiency of the City's sewers, in most instances the water backing up through the lateral connections, but in one case through the inlet in the street.

It is further stated that the cause of the trouble has been determined to be due to the additional surface water which the sewers are compelled to carry, which they are of insufficient capacity to do, and that the remedy is to provide larger sewers, which, however, is at present prevented by a lack of funds. This Department is asked whether the City is required to meet the demands of the complainants that the muck and slime left on the cellar floors after the water recedes shall be removed, or whether the City in following such procedure would render itself liable for damages in the event of any further trouble occurring as a result of thus going upon private property.

While the City is not liable for damages arising from the insufficiency of its sewers, it does assume the duty of keeping in good condition and repair such sewers as it installs, and will be held responsible for damage arising from its failure to do so. If the cause of the flooding of the cellars is the mere inadequacy of the sewers to carry off the water, as stated by the Chief of the Bureau, the City would not be liable for the resulting damage. Nevertheless it is not always easy to determine the exact cause of the overflow, and in the case of *Malpass vs. Philadel-*

phia, 52 Superior Court, 250, decided last February, a recovery of damages against the City was sustained by the Appellate Court because

“evidence produced by the plaintiff would have warranted a finding that the inlets to the sewer in the street from which the water came had for a long time been clogged, so that water could not enter them; that this condition had been permitted to continue after the proper officers of the City had express notice of the fact, and that this condition of the inlets to the sewer contributed to produce the injury for which the plaintiff seeks to recover.”

As the question in these suits, if there be any conflicting evidence, is for the jury, it is easy to see that the City may in many cases be held liable, although its officials shall be of opinion that the flow of water is due solely to the inadequacy of the sewer.

Whether the request to clean out the muck and slime from the cellars should be complied with is dependent largely on conditions of expediency in particular cases, the purpose of acceding to such requests being to avoid lawsuits, the result of which, involving oral testimony, is apt to be uncertain. Before doing this work, if it may be thought best at any time to act in the matter, I think it would be well for the City to require the person making such request to put it in writing and to stipulate that compliance with it will not imply an acknowledgment of liability on the City's part for the damage done at that time, or any which may arise from similar causes in the future.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 22, 1913.

In re Music Permit—Holy Name Parade.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—I have received your communication of the 19th inst., stating that the Holy Name Society has asked the Director of Public Safety for a permit for a parade of a religious nature under the auspices of that Society, to be held on Sunday afternoon, September 28th; that they wish the parade to be accompanied by bands of music, which will be forbidden to play within one square of any place of worship in which religious services are then being held; and asking me to advise you whether it is legal for the Director to issue a permit allowing music with these limitations.

In answer thereto, I advise you:

1. There is no Act of Assembly nor ordinance of Councils authorizing or empowering the Director of Public Safety to issue or withhold a permit for any parade of any character, whether held on Sunday or on any other day.

2. There is no Act of Assembly nor ordinance of Councils in anywise prohibiting parades of any character on Sunday or at any other time, except the inhibition against political parades at night within ten days of an election.

3. There is no Act of Assembly nor ordinance of Councils forbidding or regulating the use of music at any parade of any character at any time, excepting the recent Act of June 12, 1913, entitled "An Act regulating parades of associations of veteran soldiers," to which, although it does not affect the subject at hand, I shall later refer.

I might stop here with your question fully answered, but owing to the wide publicity given to this matter and with the public interest therein, I feel it my duty to write you more fully and to consider its various phases.

The practice of issuing a permit to parade has arisen simply as an office regulation. It was deemed essential that before the streets should be occupied by moving bodies of men, the police authorities should be notified; and it has been the custom to precede a parade with a platoon of officers and to close it by a like allotment, and to guard the line of march, and sometimes to rope it off, to prevent accidents or disorder. The requirement of a permit, however, is only an incident of notice so that the streets may be properly policed and the traveling public guarded; and the permit issued by the Department of Public Safety is an evidence of such notification to the authorities and has of itself no legal effect.

To the Mayor and to the Police Department, however, has been given the duty to preserve public order, and in them under the law there has been vested wide discretion. This discretion, however, is not an arbitrary power, but is to be exercised subject to law. In the exercise of that discretion, and assuming that it had power so to do, the Department of Public Safety on May 16, 1913, adopted certain regulations and issued what is known as its "General Order No. 82," in which among other things it is declared:

"Parades on Sunday will be permitted when they partake of a religious nature only,"

and

"Only circumspect music will be permitted, and no music of any character will be permitted to be played within a block on either side of any church of any denomination."

These regulations were undoubtedly adopted after mature deliberation and as representing the judgment of the Department, and are, of course, to be impartially administered.

From the facts laid before me, the proposed parade of the Holy Name Society meets every requirement of these Departmental rules. "It partakes of a religious nature only." "Sacred music only will be permitted." No band will play "within one square of any church in which re-

ligious worship is being held." This parade will be in effect an open public profession of religion. The Holy Name Society is organized for the encouragement of a spirit of reverence for the name of the Redeemer and for the repression of a habit all too prevalent in our land of the sacrilegious and impious use of the name of God. It seeks by the encouragement of devotion to the Holy Name to secure the practice of clean speech with the resultant help to a clean life. One of the commands of God is, "Thou shalt not take the name of the Lord thy God in vain," and blasphemy is punishable as a crime in Pennsylvania. The objects of the Society are therefore in accordance with the law of God and the law of the Commonwealth, and the purpose of the parade is to emphasize these objects, which are solely connected with practical religion, and to give outward, concrete and physical evidence of their protest against the wrongful use of the name of the Deity.

In the absence of any law or ordinance directing otherwise, no public official would be justified in refusing aid, protection and active sanction to a parade at any time—unless he was convinced that the parade would result in a "breach of the peace" and consequent public disorder.

Can it be seriously or honestly contended by any one that the parade of the Holy Name Society, with purposes so laudable that they must be approved by every good citizen, could be stamped as criminal—in other words, that it would create a "breach of the peace"—a criminal offence?

The mere question carries with it its own answer, and nothing short of imminent fear of great public disorder could justify even for an instant police interference.

As to the Act of June 12, 1913, it provides as follows:

"All associations of veteran soldiers when parading for the purpose of interring any deceased member of such association, or for the purpose of attending Divine service on Sunday, may be accompanied by the proper military band from their place of assembly to the place of interment, or to the place of holding Divine service, and thence to the point where they shall disband; provided, however, that upon the re-

turn from such interment or from such Divine service said band shall not play."

It is clear that this Act relates to parades by associations of veteran soldiers, not only upon Sundays but upon any day, and to the parades by them for the purpose of burying their members at any time, as well as for "attending Divine service on Sundays." It may be that in various cities, towns and boroughs of this Commonwealth there are ordinances restricting the use of music or requiring permits for public processions, and this Act was passed so that the veteran soldiers might not be hampered by making applications therefor to the local authorities, with the resultant possible clashing. It is clearly a legislative recognition of the fact that the playing of band music by parades, whether for the purpose of burying the dead at any time or attending Divine service on Sunday, is not to be regarded as a breach of the peace, and is therefore not to be forbidden. Its evident purpose was to exempt associations of veteran soldiers from any restrictions that may have been or might hereafter be sought to be imposed upon them by local authorities, but it can by no possible construction be regarded as a general prohibition to other organizations against their use of music on Sundays or any other day. Indeed, were it otherwise, the Act, not embracing within its terms veteran "sailors" nor "veterans" not associated together, would undoubtedly be "special" legislation and therefore in contravention of Article II, Section 7, of the Constitution of Pennsylvania, which forbids the "granting to any association or individual any special or exclusive privilege or immunity."

The only Act of Assembly that can possibly have any relation to any phase of the subject is the Act of April 22, 1794, which forbids any person "to do or perform any worldly employment or business whatsoever on the Lord's Day, commonly called Sunday" (works of necessity and charity only excepted), or to "use or practice any unlawful games, hunting, shooting, sport or diversion whatsoever on the same day." By no rational construction could a religious procession come within the ban of this Act. It was

passed to secure the stoppage of worldly employments and business, and to invest the day with a religious character and thus "keep it holy."

As an aid to the success of the religious parade, music has been deemed essential, and the music to be played, I am informed, will be all of a sacred character. The marchers themselves, of course, are not engaged in a worldly employment or business, and the musicians who accompany them are employed in a work of religion and are as much aiding in the maintenance of public worship as a paid organist in a church.

The policy underlying the enactment of the Sunday law and the exposition of its spirit are best determined by a reference to some of the cases decided under it.

In *Dale vs. Knepp*, 98 P. S. R., p. 389, which was an action to enforce a contract made on Sunday subscribing for the erection of a church, the Court held that such a contract was a charity within the meaning of the Act.

In *Commonwealth vs. Nesbit*, 34 P. S. R., p. 398, which was a criminal prosecution, the Supreme Court said:

"In fulfilling the purpose of the day, the law recognizes as proper all the ordinary and usual means employed for such purposes. * * *

"Let us consider the statutory definition of what is forbidden. It is 'any worldly employment or business whatever.' What does this word worldly mean?

"Its correlatives help us to its meaning. Very evidently worldly is contrasted with religious, and the worldly employments are prohibited for the sake of the religious ones. Of course, therefore, no religious employments are forbidden. Hence funerals as religious rites are allowed on Sundays, and all the functions of undertakers, grave diggers, hearse and carriage drivers and others, though such persons use such employment as a means of livelihood. * * *

"A special purpose of the day is that people may enjoy religious worship and instruction, and hence

the functions of the preacher, the religious teacher, the sexton, the organist, and the singers are not forbidden even though these persons engage in these employments as a means of livelihood."

I therefore summarize my opinion to you as follows:

1. There is no law requiring a permit to parade.
2. There is no law prohibiting a parade on Sunday.
3. There is no law forbidding music at parades, whether on Sunday or any other day.
4. The Act of 1913 relating to "veteran soldiers" has no application.
5. The Act of 1794 does not apply to musicians engaged in promoting the cause of religion and Divine worship.

I therefore advise you that the proposed parade of the Holy Name Society on Sunday, September 28th next, is a lawful religious procession; and that the Director of the Department of Public Safety should issue to his subordinates all and every instruction, whether called "permit" or otherwise, which may be necessary.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 23, 1913.

In re Repaving by Rapid Transit Company of Somerset Street, between Broad Street and Glenwood Avenue.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a communication dated September 9, 1913, from William H. Connell, Chief of

the Bureau of Highways and Street Cleaning, approved by yourself, inquiring how you should proceed to secure the repaving by the Rapid Transit Company of Somerset street, between Broad street and Glenwood avenue, which by reason of the laying of that Company's tracks in the bed thereof is considerably depressed below the level of the tracks and therefore a menace to traffic. The letter refers to the opinions of two of my predecessors advising your Department that it is the duty of the Philadelphia Rapid Transit Company, under its contract with the City, to perform this work. You state that the Company refuses to do so and ask how you should proceed to secure the repaving of the street to the established grade, which would bring it on a level with the tracks of the Company.

In reply thereto, permit me to say that since the entering into the agreement between the City of Philadelphia and the Rapid Transit Company, there have been two bills in equity filed by the City to compel the Company to live up to its promises. I think the practical method now for you to follow is to have the work of repaving done, to notify the Company that it having failed to do it, the City will, and that the Company will be held responsible for the cost; and when the work is finished and the money paid, notify me and I will bring suit against the Philadelphia Rapid Transit Company to recover the amount paid.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 24, 1913.

*In re Division of Thirty-sixth Ward—Advertisement
Notice.*

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I have received your letter of the 23rd inst., in relation to the proposed division of the Thirty-

sixth Ward, and asking me to advise you as to several details in relation thereto.

In reply, permit me to say that under the Act of Assembly approved May 28, 1874 (P. L. 230), Section 2,

“It shall be the duty of the Mavor * * * to give at least fifteen days’ notice by advertisements in at least three newspapers * * * and by hand-bills posted in the most public places in said ward * * * that such an election will be held, and the time and place of holding the same.”

You will fulfill every requirement of the law by advertising in three daily newspapers, but, in addition, you should also advertise in a daily newspaper printed in German. The latest of these advertisements should be published at least fifteen days prior to the election, and they should not be inserted more than three times in any paper, in accordance with the Act of Assembly of April 21, 1855, Section 13 (P. L. 264), which provides *inter alia*:

“All public advertising for said City, except for municipal claims, whether for elections, taxes or otherwise, shall be inserted in * * * daily newspapers, nor more than three times in each.”

There is no requirement as to the number of hand-bills, and you should exercise your best judgment, considering the population and area of the ward about to be divided. It is not necessary that these bills should be posted upon bill-boards. The law requires that they shall be “posted in the most public places” in said ward.

The form of notice sent to me meets, in my opinion, every requirement of the Act.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 25, 1913.**In re Taking of Whitehall Commons.*

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I have received your letter of the 23rd inst., setting forth that Mr. Downing has called at your office, representing the owners of Whitehall Commons, and has asked that you should execute the petition for the appointment of a Board of View, and asking me to advise you whether the decision of the Supreme Court in the Cheltenham Trust case decided that the Mayor must file petitions for the appointment of a Board of View, and whether it rules this case, and whether or not the decision there made makes it possible for all persons who own properties which have been placed on the City plan to insist that all the preliminary steps necessary to be taken by the Mayor and City Solicitor should be taken.

In reply thereto, permit me to say that the ordinances in both the Cheltenham Trust Company case and the Whitehall Commons case recite that the selection and appropriation of the land is under and by virtue of the authority vested in Councils by the Fourth Section of the Act of Assembly approved May 13, 1857.

In the Cheltenham Trust Company case, Section 2 of the ordinance "authorized and directed the Mayor to enter security in the name of the City of Philadelphia for the payment of any damages that may be awarded by reason of the taking of said ground, and thereupon possession of the same shall be taken for public use, and the City Solicitor shall begin to conduct the proper proceedings in the Court of Quarter Sessions for the assessment of damages for the said taking."

In the Whitehall Commons matter, Section 2 of the ordinance provides that "the City Solicitor is hereby directed to file in the Court of Quarter Sessions a petition

on behalf of the City setting forth the ground herein appropriated, to the end that said Court shall appoint a jury to assess the damages as provided by law."

It will be observed that in the Cheltenham Trust Company case a bond was directed to be entered; but in both cases petitions for the appointment of Boards of View are necessary. In his opinion in the Cheltenham Trust Company case, Mr. Justice Brown said:

"City Councils in the same ordinance by which they took this land directed that the Mayor should enter security for the damages and that the City Solicitor should begin to conduct the proper proceedings in the Court of Quarter Sessions for the assessment of the same. Here is a clear imposition of ministerial duties upon the Mayor and the City Solicitor by the legislative branch of the City, fully authorized to impose them. * * * * * While the ordinance does not specifically state when security shall be entered by the Mayor and proceedings instituted in the Court of Quarter Sessions by the City Solicitor, neither of these officials is to be permitted to postpone indefinitely what they are directed to do. They, or their predecessors, ought to have acted within a reasonable time after the approval of the ordinance, for it took effect immediately."

I am of opinion, therefore, and so advise you, that there is no discretion given to either of us as to whether or not we shall comply with the terms of ordinances like this, and I believe it to be the duty, both of the Mayor and the City Solicitor, to as quickly as convenient take the action directed, and that if either fails so to do, that any one, in interest, would have the right to compel us by mandamus to act.

As to your second inquiry, as to whether the Cheltenham Trust Company decision makes it possible for all persons who own properties which have been placed on the City plan to insist that all preliminary steps shall be taken by the Mayor and City Solicitor that are necessary to the immediate taking of their property. The Courts have held

that the City has no authority to place upon the City plan a plot of ground for a park or playground, unless the ordinance placing it upon the City plan also takes and appropriates the property.

Unless there is, therefore, a taking of the property, no rights would accrue to the owner.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 27, 1913.

In re American Product Company Contract.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—This Department is just in receipt of your letter of even date, making various inquiries with regard to the course you would be authorized to pursue in certain contingencies arising out of the relations of the City to the American Product Company with reference to the contract dated December 31, 1912, between the parties, for the removal of garbage, etc., for the year 1913.

The specifications attached to the said contract provide in part as follows:

“SECT. 24. If the contractor fails to commence the work at the specified time for its commencement, or fails to prosecute the work to the satisfaction of the Director, or attempts to transfer or assign his contract or any interest therein, or fails to perform any of the covenants of the contract, the Director, on forty-eight (48) hours' notice, in writing, may annul the contract; on such notice the Director may suspend the contractor from the work, and in case of such suspension may, at his further election, enter

upon, perform and complete said work embraced in the contract, or may employ others to do so. In case of such suspension, the Director shall have the further right, at his election, to take possession of, without legal process, and to use such reasonable force and means as may be necessary to take possession of the plant and equipment used by the Contractor upon the work, and to use the same in doing the work, without compensation for such use, license so to do being hereby given by the contractor, and the contractor hereby forever releases and discharges the Director and the City of Philadelphia from any and all damages or injuries which may be sustained, suffered or claimed by reason of such possession and use of said plant and equipment.

All cost, damage or expense incurred, or money expended by the Director by reason of such failure of the contractor, and the cost of completing said work shall be charged against the defaulting contractor under this contract, or paid from the fund of ten (10) per cent. deposited with the City Treasurer as security by the contractor for the faithful performance of the contract, or from any sum due the contractor on account of work done under his contract, or collected from the surety.

SECT. 25. Failure to comply with any part of the contract and specifications shall be cause for the Director, on twenty-four (24) hours' written notice to the contractor, to employ sufficient force to have the work contracted for properly done, and to pay for same out of the fund deposited as security by the contractor, or from any sum due the contractor on account of work done under this contract."

You ask:

(1) "Under the contract has the Director of Public Works the right, if he determines that the contractor has failed in essential particulars in the performance of his duty, to elect either to annul the contract altogether, or to notify the contractor and the surety of

a suspension of performance of the contract and an intention on the part of the City to perform it at the contractor's expense?"

Yes.

(2) "If the Director has the right to annul the contract, what, thereafter, will be the position, so far as regards the City. Can it, under such annulment, take possession of the works of the Product Company and perform the same, or will the only right of the City be to sue the contractor and the sureties for breach of the contract, the City being obliged thereafter to perform without right to take possession of the works, etc.?"

You will notice that Section 24 of the specifications provides for the annulment of the contract on forty-eight hours' notice, in writing, for failure to prosecute the work to the satisfaction of the Director or for the other causes therein specified. It also provides that "on such notice" the Director may suspend the contractor from the work, and "in case of such suspension" may enter upon, perform and complete the said work or employ others to do so. "In case of such suspension," the Director is given the further right at his election to take possession of the work without legal process, and to use such reasonable force and means as may be necessary to take possession of the plant and equipment used by the contractor, and use the same in doing the work. The power to take possession of the plant and operate it for the completion of the work does not attach to an annulment of the contract, but only to the suspension of the contractor from the work on the forty-eight hours' notice provided for.

By Section 25, failure to comply with any part of the contract and specifications is made cause for the Director, on twenty-four hours' notice to the contractor, in writing, to employ sufficient force to have the work properly done and pay the same out of the fund deposited as security by the contractor, or from any sum due it on account of work under the contract.

I would say, therefore, that neither under the annulment provided for in Section 24, nor the twenty-four hours' notice required by Section 25, would you be authorized to take possession of the plant, but only by giving the forty-eight hours' notice of the suspension of the contractor as provided for by the former section. I do not think, however, that the "only right of the City would be to sue the contractor and the sureties for breach of the contract," for the final paragraph of Section 24 gives the right to charge against the defaulting contractor all cost, damage or expense incurred, or money expended by reason of such failure under the contract, to be paid from the ten per cent. deposited with the City Treasurer as security, or from any sum due the contractor on account of work done under his contract or collected from the surety. Thus the cost of completion could be met by the deposit of ten per cent. or by the use of the balance due the contractor under the contract, as well as by suit against it and its surety.

(3) "If the Director has the right to suspend the contractor from the performance of the contract and to take possession on behalf of the City, with a view to perform, what would be the form of a notice which I should serve?"

A form of notice as requested is herewith enclosed.

(4) (a) "Would I then have the right to take possession and use the plant of the Product Company and to employ whatever additional labor and supervision, and make such arrangements as would, in my judgment, be best calculated to complete the contract, until its termination on the 31st of December?"

If by "then" you refer to a suspension of the contractor under Section 24 on forty-eight hours' notice, the answer is "Yes."

(b) "If, having suspended the contractor, I take possession of the works, and find it necessary, for the

better completion of the contract, to make certain repairs or expenditures on the work, could I do this, charging the same against the contractors as part expense?"

Yes, if such expenditures should be reasonably required to carry out and perform the contract as originally contemplated.

(5) "I assume that the surety will have no right to interfere with me if I decide to annul or suspend. Can it demand a right to perform under the wording of the contract?"

No; I think this is a matter which rests in your discretion. I do not think the surety has an absolute right to be substituted for the principal, upon the latter's default. You would, however, be at liberty to call on him to perform the contract in lieu of the Product Company if you deemed this desirable, and upon his refusal you would have the further right to proceed as provided in the sections of the specifications already mentioned. In any event, a copy of your notice to the contractor should be sent to the surety. I enclose a form of notice of annulment of the contract in case you should decide upon that course.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 29, 1913.

*Transfer of Money Borrowed for Convention Hall to the
Construction of a Municipal Art Museum.*

WILLIAM H. FELTON, ESQ.,

Chief Clerk of Common Council.

DEAR SIR:—I am in receipt of your letter of 26th inst., referring to this Department a message from the Mayor,

relative to transferring money borrowed for the Convention Hall to the construction of a Municipal Art Museum, and asking an opinion as to the legality of the course suggested.

The Mayor's message calls attention to the fact that the sum of \$1,500,000 has, under vote of the people, been borrowed for the building of a Convention Hall, and that a temporary Convention Hall has already been built at the corner of Broad street and Allegheny avenue, at a cost of \$130,000, which will accommodate 20,000 people and which in his judgment will be sufficient for a number of years for the needs of the occasion. He therefore suggests the diversion of the said sum of \$1,500,000 to be used for the building of an Art Museum, leaving the matter of the permanent Convention Hall for later attention. He inquires how this can be accomplished, and in connection therewith states that:

"It is but reasonable to suppose that this could not be done by a mere ordinance of Councils. It seems to me equally certain that it could be done by an ordinance or ordinances of Councils, supplemented by a vote of the people themselves. My thought, therefore, is, and I would most earnestly recommend to your Honorable Bodies, to repeal all the ordinances in any way referring to the loan for the Convention Hall, stating that it is thought to be unwise to use the money for this purpose. An ordinance could then be passed expressing the wish of Councils to use this sum of \$1,500,000 for a Municipal Art Museum, and submitting this proposition to a vote of the people at the general election to be held on November 4th."

I do not find any statutory sanction for an election of the character suggested, and therefore fear that it would be without legal validity. The laws provide for a vote of the electors to give their assent to the borrowing of money by municipalities in certain contingencies, but make no provision for a further election to transfer the money from one object to another or in any wise to modify the

permit granted by an affirmative vote with respect to such fund. It is true that such a vote does not compel the borrowing of the money by the municipal authorities, but merely authorizes this to be done, leaving to those authorities a final voice with respect to the issuing of the loan after the consent of the electors has been given thereto: *Barr vs. Philadelphia*, 191 Pa. 438. In the present instance Councils and the Mayor have availed themselves of the authority so conferred upon them and have actually borrowed the money and it is now in the City Treasury. It has, however, not as yet been lawfully appropriated—the attempt to make such an appropriation having been declared illegal in the case of *Wake-lin vs. Philadelphia*, 21 Dist. Reps., p. 39.

It has occasionally happened that the purpose for which money has been borrowed, even with the consent of the electors, has for some reason become impossible of fulfillment, as where the improvement has been completed at a less cost than the amount borrowed, or where by change of circumstances some obstacle has arisen to prevent the expenditure of the borrowed money in the manner proposed. In such cases this Department has had no hesitation in holding that such money is not required to be kept in the Treasury for an indefinite period, but may be devoted to any use which Councils may deem advisable, this circumstance from its nature constituting an exception to the requirement laid down by the law and the decisions of the Court that money borrowed for one purpose, and especially money borrowed for a purpose authorized by the people, may not be applied to any other use: *Major vs. Aldan Borough*, 209 Pa. 247.

Although the sum in question has heretofore been borrowed, no appropriation of it has been made and it is entirely at the discretion of Councils whether any such appropriation shall ever be made. If, therefore, an ordinance or resolution should be passed and approved declaring the purpose of Councils to be not to make any such appropriation of this fund, it might well be considered that the contingency referred to had arisen; that is to say, that the money, though borrowed under the permis-

sive power given by the people, had ceased to be available, or at least applicable, for the construction of a Convention Hall. This, of course, would not give Councils the right to use the fund for any other improvement, thus nullifying the will of the electors; but I think there would in such a case be no insuperable obstacle to the passage of an ordinance directing that it be paid into the Sinking Fund, as such would seem to be its natural destination in any case where the proposed improvement had become impracticable. The payment of the sum into the Sinking Fund, in accordance with such an ordinance, would add that amount to the borrowing capacity of the City, since all moneys in the Sinking Fund are to be deducted from the gross debt in estimating the borrowing power, and the way would thus be left open to borrow a further sum of \$1,500,000 if the electors should approve thereof, and in the proposed loan this amount could then be added and the consent of the voters asked to borrow the money for the construction of a Municipal Art Museum.

The foregoing appears to me to be the manner in which the end in view may most feasibly be attained, and if it be deemed desirable to attempt making the transfer recommended by the Mayor, I would suggest that this method be adopted:

1. An ordinance or resolution declaring the Convention Hall project abandoned.

2. An ordinance directing the payment of the amount of the Convention Hall loan into the Sinking Fund.

3. The addition to the proposed loan to be voted on in November next of an item "for Municipal Art Gallery \$1,500,000;" and if this sum is to represent only a part of the cost, then the language of the loan should so declare.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, September 29, 1913.**In re Reinstatement of Police Officer.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your communication of September 26th, respecting the reinstatement of officers Tieman and McCartney, and the controversy which has arisen between your Department and the Civil Service Commission over the validity of their reinstatement. As I understand the situation, you asked permission to reinstate these officers, and the Civil Service Commission granted it. The Commission at that time had in its possession, and might have known, all the facts connected with the two cases, and after careful consideration of the application, notified you that permission to reinstate the officers was given. You thereupon reinstated them, swearing them in by your Assistant Director on the morning of September 24th. After they had been inducted into office, the Commission communicated with you, both in writing and orally, notifying you that because of an error they had made in each of the cases they withdrew the permission to reinstate, and further notifying you that the officers would have to be discharged. The Commission is now threatening to prevent the officers from being paid by the City Controller.

I advise you that a quasi judicial tribunal which exercises its limited judicial function, and acts in accordance with its judgment, has not authority to review its findings or actions. Upon the authority finally and conclusively granted by the Commission on the 24th to reinstate the officers, they were sworn in and immediately became police officers of the City of Philadelphia. While some of the minor regulations of the Civil Service Commission had not been complied with before the permission of that body to reinstate the men was granted, this is a

matter not material to the question now before me. The Commission had the power to enforce its regulations, and no act of yours, or of the officers, prevented that body from doing so. It acted officially, and upon the faith of this official action the applicants for reinstatement became officers of the City. They can be removed only in accordance with law—after trial by the Police Board of Trial.

I advise you that the Commission cannot revoke its accomplished action nor disturb the lawfully acquired right of the police officers to their employment.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, September 30; 1913.

WILLIAM H. FELTON, Esq.,
Chief Clerk of Common Council.

DEAR SIR:—Supplementing my communication to you of the 29th inst., in answer to your inquiry as to the transfer of the \$1,500,000 hitherto set apart for the purpose of erecting a Convention Hall and the suggestion for its use in the building of a Municipal Art Museum, permit me to advise that by way of extra precaution there should be, in addition to the resolutions or ordinances I recommended, the following:

“An ordinance to repeal that portion of the allotting ordinance approved July 21, 1911, ‘Item D-41,’ to the Mayor ‘for the erection of a Convention Hall in accordance with the ordinance approved June 19, 1911, \$1,500,000.’”

Upon the Controller’s books there appears no appropriation in any wise subject to any contract, but only and merely to the item above set forth, and if Councils deem

it wise to take the action that has been proposed, it will more certainly assure the object to be desired by repealing this designated part of the ordinance.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 1, 1913.

*In re Transfer of Borrowed Money—Municipal Art
Gallery.*

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of this date inquiring as to the method necessary to be pursued in authorizing the borrowing of \$1,500,000 for a Municipal Art Gallery in lieu of the same sum now in the City Treasury which has been borrowed under ordinance of July 21, 1911, for a Convention Hall, in order that the matter be submitted to the voters at the election to be held on Tuesday, November 4th.

The time is extremely limited to attain this object, and if it can be done at all, every possible moment will have to be utilized. The law requires advertising of notice of the proposed loan for thirty days prior to the election, and the notice must contain, among other things, a statement of the existing debt of the City. It will therefore be necessary that the money already borrowed for a Convention Hall shall be paid into the Sinking Fund before the period of advertising the notice shall begin. As the first advertisement should appear not later than Saturday next, and as the ordinance directing the payment of this money into the Sinking Fund and the ordinance signifying the purpose of the municipal authorities to abandon the project of erecting a Convention Hall must become laws on

a date different from that of their introduction into Councils, this will entail the holding of two meetings of Councils between the present time and Saturday of this week. An extra session of Councils will therefore have to be called for Friday, the third instant. At the regular session on Thursday, ordinances in the form herewith may be introduced into those bodies and should be passed at the said extra session on Friday. The pending ordinances—Appendix No. 17—signifying the purpose of the municipal authorities to increase the indebtedness, and Appendix No. 18, authorizing the submission of the proposed loan to the vote of the electors—will also have to be amended.

The first of the two ordinances should be amended by substituting in the title for the words and figures “the sum of eight million six hundred thousand (8,600,000) dollars” the words and figures “*the sum of ten million one hundred thousand (10,100,000) dollars,*” and by inserting in the title after the words “for the Parkway” the words “*for a Municipal Art Gallery.*” The body of this ordinance should be amended by substituting for the words and figures “eight million six hundred thousand (8,600,000) dollars” the words and figures “*ten million one hundred thousand (10,100,000) dollars,*” and by inserting after the words and figures “for the Parkway, one million (1,000,000) dollars,” the words and figures “*for a Municipal Art Gallery, one million five hundred thousand (1,500,000) dollars.*”

The ordinance to authorize and provide for submitting to the vote of the electors the questions of increasing the indebtedness (Appendix No. 18) should be amended by striking from the title the words “the sum of eight million six hundred thousand (8,600,000) dollars” and substituting “*the sum of ten million one hundred thousand (10,100,000) dollars,*” and by adding after the words “for the Parkway” the words “*for a Municipal Art Gallery.*” The body of this ordinance should likewise be amended by substituting for the words and figures, both in the preamble and in the enacting section, “eight million six hundred thousand (8,600,000) dollars” the words and figures “*ten million one hundred thousand (10,100,-*

000) dollars," and by inserting after the words and figures "for the Parkway, one million (1,000,000) dollars," the words and figures "*for a Municipal Art Gallery, one million five hundred thousand (1,500,000) dollars.*"

These amendments should not be made before the passage of the ordinances of which I enclose forms and which may be introduced at the regular session on Thursday and finally passed at the extra session on Friday. Arrangements should be completed that these ordinances be transmitted to you and approved as soon as they shall be passed through Councils, and that the statement required to be published for thirty days before the election be all ready with the necessary calculations made (including, of course, the \$1,500,000 which will be taken from the City's net debt by the deduction of that much additional in the Sinking Fund), the City Treasurer being instructed to make the necessary bookkeeping entries to transfer the same from the City Treasury to the treasury of the Sinking Fund in order that the statement appearing for the first time in Saturday's papers may then be exact.

The ordinances which I enclose are:

"1. An Ordinance signifying the purpose of the municipal authorities to abandon the project of erecting a Convention Hall and repealing so much of the ordinance approved the 21st day of July, 1911, as appropriates to the Mayor for that purpose the sum of \$1,500,000 borrowed under authority of the ordinance approved the 19th day of June, 1911;" and

"2. An Ordinance directing the payment into the Sinking Fund of the sum of \$1,500,000 heretofore borrowed for the erection of a Convention Hall."

I need hardly say that the most extreme care will be necessary to see that all the details in connection with this matter are given careful attention.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 2, 1913.**Calling of Special Session of Councils—Proposed Loan
for Municipal Art Museum.*

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—In reply to your letter of the 2d inst., in relation to the proposed loan for the Municipal Art Museum, in which you state that you understand the special session of Councils can only be called on two days' notice, and asking whether the purpose would not be answered if the session on Friday were an adjourned meeting provided for at the meeting of Councils this afternoon—permit me to say that at the meeting of Councils this afternoon both bodies could provide that the next meeting of Councils be to-morrow. I respectfully suggest that that meeting should not be an "adjourned" meeting, but a separate and distinct meeting.

The Act of May 23, 1874 (P. L. 230), by Section 4 provides, *inter alia*, that "no bill shall become a law upon the same day in which it was introduced or reported," so that it is essential that the action to be taken should be taken on two separate legislative days.

At the same time, I might add that the only reference I find to the calling of special meetings of Councils are those set forth in the Manual of Councils for 1913, page 79, being Rule 10 of the Joint Rules. Therein there is no time limit named. By Rule 10 of Common Council (set forth on page 64 of the same volume) it is made the duty of the Clerk to give notice "one day at least previous to the time of meeting."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 2, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I acknowledge receipt of your letter of the 2d inst., enclosing copies of three letters served by you on the sub-contractors of the American Product Company, and asking me to advise you whether or not the City's obligation is ended, so far as any payments to the said sub-contractors are concerned, or whether it will be necessary to forward any further instructions to them in order that the City may not be liable for any suit for damages that they may see fit to bring.

In reply thereto permit me to say that the status of the parties has been fixed by your action, and that I do not think you can help the position of the City in any wise by anything that you may now do.

Very truly yours,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 2, 1913.**Disposition of Garbage—American Product Company.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received your letter of the 2d inst., asking me to advise you whether or not, having notified the American Product Company that the City would take possession of its plant at 2.30 P. M. on October 1, 1913, you are committed to dispose of all the garbage that was

on hand at that time. This letter has only been here a few minutes and Chief Connell has, since its receipt, telephoned me to write you a reply.

I make answer and say that, in my opinion, you are bound to dispose of the garbage because the company had the right to assume that you would do as you declared you intended to do—take possession of its plant.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 3, 1913.

CYRUS D. FOSS, JR., ESQ.,
Secretary to the Mayor.

DEAR SIR:—I am in receipt of your letter of this date, stating that the Mayor has just signed two ordinances—Common Council Appendix No. 17 and No. 18—the one signifying the desire of the City to increase its indebtedness in the sum of \$8,600,000, and the other providing for the submission of this increase to the vote of the electors at the General Election to be held November 4th. You enclose copy of the newspaper advertisement to be inserted, commencing to-morrow, giving notice of the submission of this proposed increase at the November election, and state that the figures used therein were provided by the Controller. You further state that the Mayor wishes me to examine this form of advertisement and advise him whether it is correct. I return the form herewith, with certain corrections noted.

The Act of Assembly under which this notice is directed to be given provides that it “shall contain a statement of the amount of the last assessed valuation, of the amount of the existing debt, of the amount and percentage of the

proposed increase, and for the purposes for which the indebtedness is to be increased."

The requirement that the notice shall contain a statement of the amount of the last assessed valuation is complied with correctly; but I think the notice might be well introduced by the words, "*In accordance with the directions of an ordinance approved the third day of October, 1913, notice is hereby given,*" etc.

The amount of the existing debt is given in fuller detail than is necessary. It would be sufficient to say, "*The amount of the existing debt is \$93,548,619.60.*" It has been customary, however, to show in what manner this figure is ascertained, and I do not think it improper that this should be done. The word "*less*" should appear before "loans held by the Sinking Fund." Also before the words "school loans," which should not be followed by the words "per decision of the Court of Common Pleas No. 4," but more properly by the words "*assumed by the Board of Public Education.*" I think it well also to place the words "*net funded debt*" opposite the figures "\$92,726,133.43." Opposite the figures "\$93,548,619.60" the words "*total net debt*" would be more explicit and informative than the word "making," and I would advise this substitution.

Though not absolutely called for by the terms of the statute, I see no objection to the next item. That is, the words and figures, "in addition to the foregoing, there have been authorized, not yet negotiated, loans amounting to \$6,750,000.00," but there is no real reason why the last figures should be added to the total net debt and a new total made. This is merely given for the information of the voters and is no part of the legally required notice. I would therefore move the figures "\$6,750,000.00" to the left, so that they do not appear directly under those indicating the total net debt. Of course, the next lines, "making a total of net debt and loans authorized and not negotiated of \$100,298,619.60," should also be omitted. Nor is there a necessity, under the Act, for the next two items, as follows:

"7 per cent. of assessed valuation of \$1,556,323,-614.00 makes a debt limit of \$108,942,652.98."

and

"leaving the net borrowing capacity \$8,644,033.30,"

and I should advise their omission.

The next portion of the advertisement as it stands is in accordance with the Act, to wit, "the amount of the proposed increase of indebtedness is \$8,600,000.00" and should remain, but the statute also requires that the percentage of the proposed increase should be stated, and this has not been done. After the words and figures "the amount of the proposed increase of indebtedness is \$8,600,000.00" should be inserted this, "*The percentage of the proposed increase of indebtedness to the amount of the last assessed valuation of taxable property is*" (stating the percentage both as a decimal and as a vulgar fraction). The calculation for this purpose should be made by the City Controller.

The remainder of the form of advertisement from "the purposes for which the indebtedness of said City is to be increased are as follows" to the end is correct and in proper form.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 6, 1913.

In re Deed Happy Hollow Playground.

OTTO T. MALLERY, ESQ.,

Secretary of Board of Recreation.

DEAR SIR:—Permit me to acknowledge the receipt of your communication respecting the deed of Happy Hollow Playground to the Playgrounds Association, and the con-

tract between that body and the Board of Recreation, inquiring whether the City could legally expend the sum of ten thousand (10,000) dollars in enlarging the present recreation buildings.

I can see no legal objection to the City spending such a sum in enlarging the present recreation buildings if Councils deem it proper to do so and make an appropriation for that purpose. The restriction in the deed confining the use of the property to a public playground or recreation center would not be violated by improving and extending the present recreation buildings. May I point out, however, a practical question that occurs to me in reading the papers which you have sent me. The deed from Edward Clark and his wife to the Playgrounds Association provides that in case the property conveyed, or any part of it, shall cease to be used for a public playground or recreation center for any reason, the whole of the property conveyed shall be reconveyed to the grantor, and upon failure of the grantee to make such reconveyance in such contingency, the grantor is given the right of re-entry. In the contract or lease between the Playgrounds Association and the Board of Recreation it is provided that the lease

“may be determined at any time by the Playgrounds Association of Philadelphia upon six months’ notice given to the Board of Recreation by the Playgrounds Association of Philadelphia of its intention to determine the same; whereupon, at the expiration of said six months’ notice of intention to determine the same, this lease and the tenancy herein provided shall absolutely cease and determine and the Board of Recreation aforesaid shall immediately deliver up possession of said premises and equipment unto the Playgrounds Association of Philadelphia.”

This makes the tenancy of the City of Philadelphia, through the Board of Recreation, tantamount to a tenancy at will, determinable at any time by the Playgrounds Association. After spending large sums of money upon the improvement of the grounds, the City of Philadelphia

could be deprived of the playground and all improvements it had put upon it over night upon the mere whim of the Playgrounds Association, and that Association, by devoting the smallest part of the property to some other than the uses to which it is limited in the deed, could cause a reversion of its title to the original grantor with the added value of all the improvements and benefits put into the property by the City of Philadelphia.

The title of the City to the Happy Hollow Playground is so uncertain and precarious that the advisability of expending so large a sum as ten thousand dollars upon it is a matter for careful consideration. If Councils deem it expedient to do so, however, I see no legal objection to their expending the money upon it. It is a matter which is entirely in the hands of Councils, and they should be the ultimate judges of the expediency of such an expenditure.

I return the original deed and lease which you forwarded to me with your communication.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 6, 1913.

*In re Countersignature of Warrants by City Controller—
Inspection and Emergency Automobiles—High Pres-
sure System.*

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 1st inst., asking the views of this Department upon the controversy between yourself and the City Controller as to whether he would be justified in countersigning a contract with the Whiting Motor Co. for one inspection and

emergency car, and with the Regal Sales Organization for another car, for the sums respectively of \$2,950 and \$1,250. It is proposed to pay for these automobiles under ordinance of June 27, 1913, which authorizes the Director of the Department of Public Safety to draw, and the City Controller to countersign, warrants against Item 110 (loan) of Public Safety (Bureau of Fire) in payment of bills that may be incurred in the purchase, installation and erection, where required, of such additional equipment, spare parts and outfit (not included in the contracts 2-b and 3-b for the extension of this system) as may be necessary for the proper operation, prompt and efficient repair, and final completion of this system—the high pressure fire system—in the mill district as a whole. The City Controller refuses to countersign the warrant because he does not regard automobiles as within the language of the foregoing ordinance.

In this I think he is right. The additional equipment, spare parts and outfit to which this ordinance refers undoubtedly means equipment of the system itself and not such articles as automobiles, which, though they may be equipment useful to be employed in the work, are not a part of the system of high pressure fire mains or of the equipment in such immediate connection therewith as to be fairly within the intendment of the words used.

This interpretation is not weakened but is strengthened by the letter from the Assistant Chief of the Department of Public Works to the Chairman of the Finance Committee in so far as such a letter could affect the question at all, for after such letter had been received, if it had been the intention to include articles like automobiles, the inference is that that purpose would have been made clearly apparent. In my judgment, before the City Controller can properly be required to countersign the contract in question, the money should be specifically appropriated to be used for the object in view.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 6, 1913.**Guarantee Clause in Specification Forms.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, stating that bids have been received for repairs to certain bridges; that the specification forms of the Bureau have been recently revised so as to eliminate the requirement for a guarantee bond to be furnished by the contractor, assuring the City that he will enter into a contract within ten days of the award; that this clause of the specifications was cut out at the letting above referred to, but was inadvertently allowed to remain in the Notice to Bidders; that of the four bidders for the work only one, who was not the low bidder, furnished a guarantee bond. In these circumstances inquiry is made "whether or not the fact that the form was omitted, but the paragraph above quoted allowed to remain, invalidates the bids which we have received."

I do not think the bid is invalidated by reason of the matters thus stated.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 6, 1913.**In re Contemplated Grading Tabor and Mascher Streets.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of letter from the Acting Chief Engineer of the Bureau of Surveys, approved by

you, enclosing copy of a letter to himself from the Chief Engineer of the Philadelphia and Reading Railway Company, in which inquiry is made whether, in connection with the contemplated grading of Tabor and Mascher streets at Olney, the Public Service Corporations whose appliances are located in the street would have any claim against the City on account of the necessary relocation were the City instead of the Railroad Company doing the work of grading.

As far as it is possible to answer a question as general as this, I would say that in the supposed event the Public Service Corporations would not have any claim against the City without knowing what Public Service Corporations are especially referred to; however, it is impossible to answer more definitely than this. In any event, I would suggest that the matter is one in which the Railway Company should consult its own counsel and that its inquiry should be replied to accordingly.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 6, 1913.

In re Suspension of Contract with American Product Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by you, repeating the terms of the notice sent September 29th to the American Product Company, suspending their contract and restating the terms of the opinion from this Department of October 2nd.

It further appears from your letter that in order to dispose of the garbage it will be necessary to carry a payroll amounting to about one hundred and seventy (170) dollars per day. You ask whether a warrant can be drawn for the payroll and the City Controller counter-sign the same, for employees of the plant and shop, for the purpose of disposing of the garbage, from Wednesday, October 1, at 2.30 P. M., until Saturday, October 4, at night, and charge the same to the ten per cent. deposited with the City Treasurer by the American Product Company for the faithful performance of the work.

It is also stated that it will be necessary to continue this force for a few days next week (that is, the current week), which will probably make it necessary to draw on other money than the ten per cent., as all of the ten per cent. but a thousand dollars is included in the contract entered into with the Penn Reduction Company for the completion of the work for the remainder of the year. If, therefore, the expense of doing this work under the auspices of the City should exceed this thousand dollars balance of the ten per cent. deposit, the further inquiry is made whether the work could be done with the moneys due the contractor and available for the September work.

I assume that these inquiries relate to the disposal of the garbage collected whether by the American Product Company or by the City and not incinerated at the time when the new company began its operation, and therefore not included in the contract with it. If this is the correct understanding of the matter, I think, under the terms of the original contract with the American Product Company, you would be authorized to proceed with the disposal of the garbage so collected, and to use for that purpose either such portion of the ten per cent. deposit as might be available, or any moneys due the American Product Company from the payment for September work or other fund to which that company might have a claim.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 6, 1913.**In re Tenement House Licenses for 1914.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your communication dated October 3, 1913, inquiring whether licenses should be issued by the Chief of the Tenement House Division prior to January 1, 1914, when the authority to issue the licenses under the "Housing Act" is conferred upon your Department.

Of course, no license to be issued on and after the 1st of January, 1914, can be issued for any period of time prior to that date. If the houses in question are being conducted at the present time, the question whether the owner shall be proceeded against is a practical one. So far as the present conduct of such houses is concerned it is not a violation of the Housing Act for the owners to run them, as the licenses do not take effect until January 1st.

I would see no objection, however, to issuing the licenses at the present time, to run for one year from January 1, 1914.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 6, 1913.**Legislation Regulating Vertical Clearance Between Rails of Steam Railroad and Undermost Part of a Bridge.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from the Chief Engineer of the Bureau of Surveys, approved by the As-

sistant Director of the Department of Public Works, inquiring whether there is any legislation now in effect, or enacted but not yet in effect, regulating the vertical clearance to be allowed between the rails of a steam railroad and the undermost part of a bridge passing over the same.

I do not find any statute which regulates this matter in the sense of establishing a fixed distance of vertical clearance. Under the recent Public Service Company law, approved July 25, 1913, the subject is placed within the jurisdiction of the Commission provided for by that Act.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 7, 1913.

Re-routing by Philadelphia Rapid Transit Company.

WM. H. FELTON, ESQ.,
Chief Clerk of Common Council.

DEAR SIR:—The resolutions adopted by Councils on September 18th, while varying in phraseology, are practically identical.

By one, the Select and Common Councils request "that the City Solicitor be, and is hereby requested to furnish Councils with information as to whether the Philadelphia Rapid Transit Company has a right to re-route the trolley system of Philadelphia, and if the original ordinances were not specific to the individual companies that have been combined with the Union Traction Company, then later on the Philadelphia Rapid Transit Company."

The other, after reciting, "WHEREAS, The Philadelphia Rapid Transit Company has established and put into practice a new system of lines on which its cars shall travel, thereby increasing the cost of travel to the people," resolves

“that the Common Council of the City of Philadelphia do hereby request the opinion of the City Solicitor as to the legality of the Philadelphia Rapid Transit Company re-routing its lines of travel, thereby increasing the cost of travel to the people.”

In answer to both resolutions, permit me to say:

I

The Constitution of Pennsylvania provides in Article 17, Section 9:

“No passenger railway shall be constructed within the limits of any city, borough, or township, without the consent of its local authorities.”

It must be borne in mind that the fundamental principle upon which street railway franchises are granted by the Commonwealth to a public utility corporation, and upon which the auxiliary franchise or license is granted by the City, is that such roads are to be built and operated for the benefit and accommodation of the public. The convenience of the corporation in constructing and operating its system and the profits derived therefrom are, as a matter of law, merely incidental and subordinate to the public benefit. This principle is well expressed in Pond on Public Utilities, Secs. 193-4:

“When the municipal public utility receives its charter from the State granting it the right to be a body corporate and accepts the special franchise rights conferred by the municipality permitting it to own and operate its public utility system, by virtue of the acceptance of such special privileges and as a consideration for them, the municipal public utility undertakes and is in duty bound to provide adequate service for all of its customers; and, for the purpose of seeing that it does so, is subject to regulation and control at the hands of the State and by other agencies created for that purpose, including the municipality. The franchise rights are granted not as a special privilege in the interest and for the peculiar

benefit of the public service corporation, but such rights are granted by the public generally, to whom they belong, for the special benefit and advantage of the public and the individual members composing it. These special benefits conferred in the franchise grants carry with them the duty and burden of rendering adequate service to the public on reasonable terms and conditions; and one of the chief duties of the municipal authorities is to require such service in the interest of the municipality and its inhabitants. The power of regulation and control is vested in them for this purpose exclusively, and not for the purpose of being surrendered or bartered away."

The law is very clearly expressed in the case of *Wright vs. Milwaukee Electric Rwy., etc., Co.*, 95 Wis. 29, in which it was said (page 35):

"It will be necessary to consider the legal nature of the right to lay tracks and operate a street railroad in a public street. Such a right necessarily includes an easement to use the street for the time, in the manner, and under the conditions specified in the ordinance. The ordinance, when accepted and acted upon by the grantee, becomes also a contract between the public, acting through the City Council on the one hand, and the railway company on the other; the consideration for the partial surrender of the street being the advantages to the public arising from inexpensive and rapid transit, and the assumption by the company of the duty of continuing to furnish such transit during the life of the ordinance. But the right under consideration is something more than an easement, and more than a mere contract right. It is also a franchise granted by the State, acting through the Common Council of the City, to the railroad company. It becomes, when owned by a corporation, one of its corporate franchises, for failure to exercise which an action may be brought by the Attorney General, in the name of the State, to vacate its charter. * * * By the acceptance of the terms of

the ordinance, the railroad company assumed a public trust. It undertook to serve the public by offering it rapid transit; and it became its duty to continue that service, not simply because it had contracted so to do, but because it had become charged with such duty by legislative grant. It could not lay down the burden when it chose, nor emancipate itself by merely ceasing to operate its cars. In case of attempt on its part to so shirk its duty as to a part of the road, it could, doubtless, be compelled, in proper proceedings, to resume its operation, and carry out the public duty which it voluntarily assumed."

In the case of *Martin vs. Second and Third Streets Passenger Rwy. Co.*, 3 Phila. Reps., p. 316 (1858), the Company, by its act of incorporation, was authorized and empowered to construct a road running upon certain streets of the City to Allegheny avenue, and then returning along certain other streets to its southern terminus. The corporation proceeded to construct and use its road until it reached a point of intersection with the Reading Railroad on Richmond street, five-eighths of a mile south of the northern terminus of the road. The Court was asked to restrain the railway from further use of its road until it should have completed it to its northern terminus—Allegheny avenue—and, after argument, it was held that the words "power and authority to construct a railway company" are imperative. A Court of Equity has power to compel a city railway company to build its road where it has entered into such a contract with the City as obliges it to complete the said road, Judge Ludlow saying (page 319):

"The Supreme Court of this State in 3 Casey, 351, interpreted the words 'shall have power to construct a railroad from the borough of Erie to some point on the east boundary line of the township of Northeast, in the county of Erie,' as imperative, for the Chief Justice expressly says, 'the place at which the terminus should be established being precisely designated by the Act of incorporation in words which

render mistake impossible, all other places, whether near or far off, are as surely excluded as if they had been expressly forbidden. If we cannot hold companies to a strict compliance with their charters, we cannot hold them at all.' The defendants in this case have by the terms of their charter 'power and authority to lay out and construct a railway to Allegheny avenue,' that being the northern terminus of their road. Now, if the words of this charter are imperative, as they certainly must be interpreted to be, according to the spirit, if not the very letter, of the authority last above cited, then the duty of the defendants becomes no longer questionable, for, as by their charter the option no longer remains with them, they may be compelled to do that which the legal interpretation of the charter commands to be done. The termini of the road of defendants are fixed by their charter; they have clearly no right to substitute any other points upon the road as such termini. * * *"

It seems to be indisputable that the roads must be constructed and operated for the benefit of the public from terminus to terminus, and upon the street and routes designated by the charters of incorporation and the ordinances of Councils.

II

A great many of the subsidiary companies now controlled by the Philadelphia Rapid Transit Company were incorporated by special Acts of Assembly in the early 50's and 60's, and in the years preceding the adoption of the present Constitution of 1874. Many of these charters refer to the General Railroad Act of 1849. Certain of the charters have been granted since the Constitution of 1874 under the various Acts of Assembly authorizing the formation of street railway companies. These charters, with their respective amendments, designated with great precision the routes to be followed by the cars and the streets to be occupied, in many cases designating even the

direction in which the cars should be run. Nearly all of these charters—even the earlier ones granted before the present Constitution went into effect—contain the usual proviso that the railways should, before constructing their lines, obtain the consent of the local authorities.

In addition, the various ordinances granting to the underlying companies the right to use the streets of the City in accordance with the franchises granted by the State, specify in great detail the streets to be occupied, the manner of their occupation, the routes to be followed, and the terms upon which permission is given.

When the horse and cable were superseded by electricity as motive power, the Legislature passed the Act of May 8, 1876, Sec. 1 (P. L. 147—Purdon's Digest, p. 3988), which provides:

“Passenger railways in any and all cities of the first class of this Commonwealth may use other than animal power in the carriage of passengers in their cars whenever authorized so to do by the Councils of such city; and the limitation contained in any of the charters of passenger railway companies restricting them to use the horse power be, and the same are hereby repealed: *Provided further*, That the Councils of such city shall not exercise any of the powers conferred by this Act except such railway companies shall reduce their fares to five cents for a single ride on said railway.”

In the years 1892, 1893 and 1894, when the overhead trolley system was introduced into this City, Councils passed various ordinances permitting the use of motor-driven cars and of overhead trolley systems. These ordinances designated specifically, and in detail, the streets which should be occupied by the respective street railways and the routes to be followed by the cars. They also provided for the rates of fare to be charged, and they contain many other terms, conditions and regulations hereinafter noted.

These ordinances, together with those originally granting permission for the use of the streets, constitute the “con-

sent of the local authorities" of the City of Philadelphia to the subsidiary companies controlled by the Philadelphia Rapid Transit Company to construct and operate upon the streets of the City a system of street passenger railways operated by overhead trolley.

III

The Act of May 15, 1895 (P. L. 65), enacts that:

"It shall be lawful for any traction or motor power company or street passenger railway company owning, leasing, controlling or operating different lines of street railway of different companies, to operate as a general system so much of said different lines as occupy streets, and from time to time lay out such new routes or circuits over the whole or any part of such street or streets occupied by the tracks of the different companies which it thus owns, leases, controls or operates, and upon such routes or circuits to run cars for such distances and in such directions as will, in the opinion of the operating company, best accommodate the public travel."

It is open to question whether this Act accomplishes the purpose of permitting the companies to abandon or alter their charter routes, or whether the purposes of the Act extend any further than permitting merely new lines to be run over the old routes. Assuming, however, that it should be held that this Act does permit the company to re-route its system, the Act of Assembly can only have the effect of giving legislative sanction to the change of the routes from those designated in the charters of the corporations; but as the consent of the local authorities is required by the terms of the Constitution, it is beyond the power of the Legislature by an Act of Assembly, or otherwise, to give to any street railway the right to construct and operate its road without the consent of the local authorities, or to run its cars over any different routes or in any other manner than in strict accordance with the consent given by ordinance of Councils.

Notwithstanding the Act of 1895, therefore, the company has only the right to run its cars over the streets and along the routes authorized by ordinance of Councils, and it has no authority to occupy any streets except those designated, or to run its cars over any different routes than there prescribed.

IV

The contract between the City and the Philadelphia Rapid Transit Company authorized by ordinance of July 1, 1907, does not, in my opinion, give to the company the "consent of the local authorities" to a change in the route of its cars. It provides (paragraph 8, page 159):

"The City hereby confirms to the company, and its subsidiary companies, all of the consents, rights and franchises heretofore granted to and exercised by them, and each of them, including the right of operation of the overhead trolley system, free of all terms, conditions and regulations not herein provided for."

Unless the words "free of all terms, conditions and regulations not herein provided for" are broad enough to relieve the companies from their fundamental duty of carrying passengers over their charter routes, for which routes permissions and licenses were granted by the local authorities, the contract cannot control the question, and the obligations of the railways are governed by the previous ordinances, and the company may not deviate from the routes therein described.

The ordinances granting the permission contained many "terms, conditions and regulations" which are evidently the ones the parties had in mind when they executed the contract, and these fulfil the words of same. For instance, the ordinance of March 16, 1893 (page 34), granting permission to the Ridge Avenue Passenger Railway Company et al. to use the trolley system on certain streets, contains the requirements that the company be made to keep in good order the streets traversed by its line; that in the construction and equipment of its roadbed, cars

and trolley system, all materials, supplies, plans, etc., should be at all times subject to the approval and inspection of the City Departments; that the company should remove the overhead trolley system whenever directed so to do; that it should run its cars at certain intervals of time; that the system should be so constructed as to not interfere with the future erection of elevated railroads; and that construction should be commenced and completed within a certain time; that the companies should repave the streets with Belgian blocks and improved pavement, and keep such pavement in repair. From such "terms, conditions and regulations" the companies are freed by the contract of 1907, except as otherwise therein provided.

These words, however, cannot be stretched into relieving the companies from the obligations contained in their charters and franchises and in the permission to run their cars in accordance with same. The franchises contained in a charter granted by the Commonwealth to a corporation to construct or operate a railway system in a city, and the powers or licenses contained in the permission or consent to occupy certain streets in a certain manner, given to the company by the City, are based upon the obligation of the corporation to exercise its franchises for the accommodation of the public in the manner authorized by the State and the City, and such franchises carry always the reciprocal duty upon the public utility corporation to furnish the accommodation for which the franchises are granted.

The consent to run a car on this street or that is a permit or license, and is neither a "term" nor a "condition" nor a "regulation" and is therefore not affected by the words in Section 8 of the contract. While the companies, therefore, are relieved by the contract of the various terms, conditions and regulations contained in previous ordinances, they are not relieved of their obligations to run their cars over the routes specified by the franchises. These franchises, licenses and privileges are confirmed by the contract. It is the "terms, conditions and regulations" accompanying the same from which they

are relieved, but there is no power given in the contract authorizing any change in the original routes.

V

It may be contended that as many of the subsidiary companies now controlled by the Philadelphia Rapid Transit Company were incorporated before the Constitution of 1874 went into effect, they would not be controlled by the limitation of Article 17 unless they had accepted such provision after the year 1874, as was decided in the case of Williamsport Passenger Railway Company *vs.* Williamsport (120 Pa., page 1, 1888). It must be kept in mind, however, that the charters of most of these companies require the consent of the local authorities; and the Constitution further provides (Article 17, Section 10) that:

“No railroad, canal or other transportation company in existence at the time of the adoption of this article shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.”

And in Section 2, Article 16, of the Constitution is found a similar enactment of reference to all corporations:

“The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.”

In the case of *Duncan vs. Pennsylvania Railroad Company* (3 W. N. C. 1874), Judge Hare decided that a railroad company benefiting by an Act of Assembly after the adoption of the Constitution will be bound by the provisions of the same, and as all of these companies have accepted the benefits of legislation since 1874, they are bound by the provisions of the present Constitution of

the State, irrespective of whether their charters were granted since the Constitution went into effect or before.

I therefore advise you:

First. Under the Constitution, no street railway can be constructed in Philadelphia without the consent of Councils.

Second. The charters of the various street railway companies now controlled by the Philadelphia Rapid Transit Company, as well as the various ordinances granting them permission to occupy the streets, designate specifically the streets to be occupied and the routes to be followed by the cars, and these franchises are based upon the reciprocal duty of the company to run its cars for the accommodation of the public over the streets and routes authorized.

Third. The Act of May 15, 1895, does not authorize the Philadelphia Rapid Transit Company to run its cars along other streets or routes than those for which permission has been given by ordinance of Councils.

Fourth. The contract between the City and the Philadelphia Rapid Transit Company, authorized by ordinance of July 1, 1907, does not relieve the company of the duties imposed upon it by the franchises which it now controls.

Fifth. The Philadelphia Rapid Transit Company has no right, without the consent of Councils, to re-route its system so that the cars shall be run over different routes than those authorized by ordinances, and especially has it no right when such re-routing increases the cost of public travel.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 9, 1913.**Disposition of Garbage—American Product Company.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I enclose copy of letter sent to the City Controller in response to his inquiries, following your letter to him, on the subject of the cancellation of the contract with the American Product Company. You will gather therefrom the steps proper, in the opinion of this Department, to be taken should you decide to annul the contract.

The notice of annulment to the American Product Company will, I think, be sufficient if it advise that company that, for the reasons stated in your letter to it of September 29, 1913, the contract between it and the City, dated December 31, 1912, for the collection, removal and disposal, in a manner not prejudicial to public health and subject to the approval of the Department of Public Works, of all kitchen garbage and dead animals in the entire City of Philadelphia during the year 1913, is hereby cancelled and annulled, such annulment to take effect as of October 1, 1913. Thereupon prompt notice should be given to the City Controller, as mentioned in the said letter to that official from this Department, he being requested by you to re-credit the money to the proper item and charge the new contract against it.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 9, 1913.

*As to Annulment of Old Contract with American Product
Company and Entering into New Contract with
Penn Reduction Company.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I am in receipt of your of this date, enclosing a letter to yourself from the Director of the Department of Public Works, with reference to the contract with the Penn Reduction Company for the removal and disposal of the garbage of the City for the balance of the current year. The question raised is whether the recent contract with the American Product Company should be formally annulled before the consideration money may be re-credited to the item and the new contract with the Penn Reduction Company charged against it.

The Director of the Department of Public Works states in his letter that "there were strong administrative reasons why we suspended this contract (the contract with the American Product Company) rather than annulled it, and there are still reasons why we would prefer to continue this suspension rather than make an annulment."

In conference with the Director, the reasons referred to by him for continuing the suspension rather than annulling the contract appear to have lost much of their force, and he no longer deems it unwise to make a formal annulment thereof, and accordingly I advise that this course may properly be followed, and that on receipt by you of notice of the suspension sent to the American Product Company by him on September 29th, and of the annulment (copy of which should also be sent you, together with the new contract with the Penn Reduction Company) you would be justified, on his request, in re-crediting the consideration payable under the earlier contract to the Item to which it was appropriated, and in charging against

it and against any other moneys to the credit of the American Product Company the contract with the Penn Reduction Company, which, I am informed, was signed by that company on and as of October 2d, and the work done thereunder at the instance of the Director of the Department of Public Works up to the present time, and which has also been executed by the other officials of the City and awaits your countersignature.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 14, 1913.

*Sale of Bonds Given as Security by the American
Product Company.*

MURRELL DOBBINS, Esq.,

City Treasurer.

DEAR SIR:—I am in receipt of your letter of the 11th inst., in reference to the sum of \$23,000, par value, of City of Philadelphia three and one-half per cent. loan of 1904, which was deposited by the American Product Company for faithful performance under its contract with the City of Philadelphia for the removal of garbage for the year 1913.

You state that it appears that this security will be called upon to pay for the completion of the contract, and you ask to be advised concerning the legal procedure to be followed in the matter of disposing of said bonds so that the proceeds may be available for that purpose.

The use of City bonds for this purpose instead of cash is provided for by ordinance of April 12, 1909, page 87. Section 3 of that ordinance is as follows:

"That if, in the opinion of the Head of the Department or Bureau having supervision of the work, the contractor has made default or refuses or neglects to do the work required, then the head of the Department or Bureau shall have the right to do such work at the cost and expense of the contractor, and the City Treasurer is hereby authorized to sell so much of said bonds as may be required to make payment for such cost and expense within twenty-four hours after receiving such notice."

Under this section it is seen that upon the proper notice being given to the City Treasurer he is authorized to sell "so much of said bonds as may be required," etc.

I would therefore suggest that all payments to the substituted contractor be made from the cash appropriated for the purposes of the contract until this be exhausted and it shall therefore be necessary to resort to the proceeds of the bonds so deposited. I think in the present instance this would dispense with the necessity for selling the bonds until the last payment comes to be made. You will notice that the ordinance is silent as to the method in which the sale of the bonds is to be effected, and, in view of the necessity which may arise to utilize them promptly, it would perhaps be sufficient to sell them without notice in the ordinary manner, through a broker upon the Stock Exchange. In this case, however, there will be ample time to proceed more formally, and I would recommend when the requirement to sell shall arise, that this be done by public auction, with due advertisement and notice to the American Product Company.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 15, 1913.**Paving of American Street, from Oxford Street to
Columbia Avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, with reference to American street, from Oxford street to Columbia avenue, and asking whether under existing laws the North Pennsylvania Railroad Company could be held in any way liable for maintaining or repaving this square. The letter is accompanied by copies of reports upon the subject from the Assistant Engineer of the Fourth District and from the Acting Chief of the Bureau of Surveys.

I have carefully examined the ordinance of April 30, 1870, page 222, under which this street was paved, as well as the statutes referred to in the report of the Assistant Engineer. I find no reason either in said ordinance and statutes or otherwise to think that the North Pennsylvania Railroad Company could be held liable for maintaining the street in question.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 17, 1913.**In Re Loan of \$2,200,000.*

CYRUS D. FOSS, JR., Esq.,

Secretary to the Mayor.

MY DEAR SIR:—I am in receipt of your letter of this date, enclosing circular to be issued in connection with

the \$2,200,000 City Loan authorized by ordinance of October 3, 1913. You state that the first page is in the form of copy not yet sent to the printer; the second, third and fourth pages are printer's proofs, and that the second and third pages are based upon material furnished by the City Controller. At the request of the Mayor, you ask me to examine this circular and advise you whether it is in correct form.

The circular appears to be in the same form that was used at the time of the issuance of the loan of May 1, 1913, for \$7,000,000. It is in no sense an official document, and I see nothing illegal in connection with it. If I may be permitted to suggest some verbal changes, however, I would say that the second page would appear to give the erroneous impression that the items mentioned therein as "assets" are the only assets of the City, and that the municipal debt is \$96,513,841.40 in excess of the City's assets. I think this could be avoided by substituting for the heading "Statement of the total liabilities of the City and the available assets to October 1, 1913" a heading in this form—"Statement of total and net liabilities of the City as of October 1, 1913;" and at the head of the second column to change "Assets October 1, 1913," to "Deductions;" also to change "School Fund Loans deducted by decision of Court of Common Pleas No. 4" to "School Fund Loans assumed by the Board of Public Education;" and at the foot of the second column to substitute for "Excess of debt over assets" the words "Net City debt."

I, of course, assume that the figures given by the City Controller are correct. I herewith return the copy of circular kindly sent me.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 17, 1913.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of this date from the Chief of the Bureau of Highways and Street Cleaning, stating that the total expense to the City for work done by him in removing and disposal of the garbage, and not included in the new contract with the Penn Reduction Company, has been \$3,177.74. The Chief of the Bureau quotes from an opinion of this Department of sixth instant, to the effect that it would be proper to perform this work and “to use for that purpose either such portion of the ten per cent. deposit as might be available, or any moneys due the American Product Company from the payment for September work or other fund to which that company might have a claim.” He inquires whether it would not be proper for the City Controller to countersign warrants for the above amount out of moneys set aside for the September warrant, which is the only money available for the purpose, the remainder of the appropriation and the ten per cent. having been allotted to the contract entered into with the Penn Reduction Company.

I reiterate my opinion of October 6th, as quoted above, and in answer to the present inquiry beg to say that it would be proper for the City Controller to countersign warrants for the sums named out of the money set aside for the September payment.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 17, 1913.**Payment of Surveyor's Charges—Abatement of Nuisances.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 15th inst., as to whether the District Surveyors are entitled to charge fees for their services to contractors with the Bureau of Health, acting under the statute of June 25, 1913 (No. 350).

You ask "whether the contractor must pay to the Bureau of Surveys the costs as stipulated, and collect the same from the Bureau of Health, or if the work can be done by the Bureau of Surveys without charge." You further say that "several of the Surveyors have refused to make any surveys unless the contractor pays for the same. These contractors make bids for the regrading and paving of alleys without including any charge made by the Bureau of Surveys."

The Act of 1913 authorizes the Board of Health to abate nuisances upon private alleys, and when the said nuisance is caused by improper grading or defective paving, to grade, pave or repave the alleys in accordance with the grades established by the Surveyor and Regulator, and upon application by the Board of Health the Surveyor and Regulator is authorized to establish such grades. The Board of Health is further empowered to charge the cost and expense of abating the said nuisances, or of the grading, paving or repaving of the alleys, upon the property owners in their proper proportions, and upon failure to pay the said charges, to file liens therefor.

It is seen from the latter provision that the cost of the grading or paving—which would include whatever the Surveyor's charges might be for furnishing the stakes and grades—is ultimately to be borne by the property owner and not by the Bureau of Health or the contractor.

I see nothing in the statute which would require the Surveyors to act gratuitously. The fees which they receive are paid into the City Treasury, and, as already stated, must in the last instance be at the expense of the property owners.

With regard to the practice of the contractors in making bids without including the Surveyor's charge, this may be avoided, if necessary, by giving notice in the invitations to bidders that the contractor will be required to pay the Surveyor's fee.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 17, 1913.

In re Air Space for Dwelling Houses.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—In reply to the favor of the 8th inst. of the Chief of the Bureau of Building Inspection, requesting the opinion of this Department in regard to the building located at the southeast corner of Marvine street and Erie avenue, permit me to say that the Act of 1855 provides that every dwelling house shall have an open space attached to it in the rear or at the side equal to at least 12 feet square. The owner of the building may elect what part of space connected with his dwelling shall be used for the measurement of the 144 square feet so allowed, provided that such space be located in the rear or at the side, and if this were the only question involved, the owner of the structure would have complied with the law.

Respecting the thickness of the wall, however, the Act of 1899 provides that in all dwellings over 20 feet in width the side or gable walls shall be 13 inches in thickness the

entire height of the building; when, therefore, the Erie avenue side of this building is regarded as the front, it must be considered as one with a frontage of 20 feet or over, and therefore you would be justified in requiring that the thickness of what has thus become the side or gable wall shall be increased to 13 inches, as required by the Act of 1899.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 18, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—In answer to letter of the 2d ult., signed by William H. Connell, Chief of Bureau of Highways, and approved by you, would state that the flower stand on Chestnut street, east of Juniper Street, does not contravene any ordinance of Councils, if, as I assume, it is within four feet three inches of the building line and not of a greater height than four feet six inches. I am guided in this statement by the ordinance of Councils of December 24, 1864, which was construed by the Supreme Court of this State, in 1893, in the case of *Philadelphia vs. Sheppard*, 158 Pa. 347. In that case the City filed a bill in equity to enjoin the continuance of a fruit stand measuring some 27 feet in length at the corner of Eighth and Walnut streets. It was found that the stand did not project beyond a distance of four feet three inches from the building line, as fixed by Section 3 of the ordinance of December 24, 1864, and for that reason the application of the City for an injunction was refused in the lower Court and the decision of that tribunal confirmed by the Supreme Court. In the course of its opinion the Appellate Court used the following language: "If the City by its

ordinances declares it shall be unlawful to place any goods, wares or merchandise for sale upon parts of the footway in front of any house or premises from the line of any street fifty feet and upwards in width to a greater distance than four feet three inches, there is a reasonable, if not a necessary, implication in the ordinance that the City will permit the goods, etc., to be placed for sale on the footway within such limits. The erection of suitable stands on which to exhibit the goods thus allowed to be placed on the footway for sale cannot be justly regarded as a violation of such ordinance, because it is the encroachment on the footway beyond the prescribed limit and not the placing of the goods on shelves or stands two or three feet above the footway within it that is declared to be unlawful." The terms of the ordinance of 1864 have not been revised since the decision in the Sheppard case, and I am therefore of opinion, and so advise you, that the tenants or owners of stores and other properties may use or rent, or permit the use free of charge, of that portion of the highway immediately in front of their property and not extending more than four feet three inches therefrom for the purpose of exposing goods for either exhibit or sale. The ordinance of September 19, 1912, refers solely to steps, railings or balconies beyond the building line, and so could not be said to apply to the flower stand complained of.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 20, 1913.

Guarantee of Work; Payment Made by Ordinance.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the 16th inst. from the Chief of the Bureau of Highways and Street

Cleaning, approved by the Assistant Director of your Department, asking whether or not the usual guarantee of five years maintenance, stipulated in the specifications for paving, is to be considered as in force with respect to a payment to the Barber Asphalt Paving Company made under ordinance of March 29, 1912, for paving Broad street, from South Penn Square to Chestnut street.

It appears that the contract for this work did not reach the Mayor for signature until after the work was completed, and therefore the Mayor refused to sign the contract, requiring payment for the work to be made by ordinance.

This Department has on several occasions advised the Department of Public Works that where work is paid for under appropriation by ordinance to take the place of, and in the same amount as, the payment under the contract, which contract is for any reason illegal, the City should insist that the same stipulations by the contractor as were embraced in the contract for the work which is being paid for by ordinance should be observed, and that since the work contracted for was to include a guarantee of maintenance the City should not waive the right to have the pavement maintained because the money was paid by ordinance rather than in the usual manner in pursuance of the contract. I think, therefore, that this should be the position assumed by your Department in the matter.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 20, 1913.

In re Stands, Show-Cases, etc., Extending into the Street.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—In reply to a letter from the Superintendent of Police, approved by you, in which he asks a num-

ber of questions relative to the distance from the house line upon which stands for the sale of goods may be permitted, I would advise you as follows:

The first question is:

“Does Section 4, the repealing clause of the ordinance of December 24, 1864, page 504, repeal the ordinance of September 23, 1864, page 358, as it would seem that Section 2 of this latter ordinance is inconsistent with provisions of the ordinance of December 24, 1864?”

Section 4 of the ordinance of December 24, 1864, repeals so much of the ordinance of September 23, 1864, as is inconsistent with the provisions of the latter ordinance.

The second question is as follows:

“Section 3 of the ordinance of December 24, 1864, page 504, makes it a nuisance to place any goods, wares or merchandise on any part of the footways from the line of any street 50 feet and upwards in width to a greater distance than the points mentioned in Section 2 of that ordinance. Section 2 is, however, repealed by the ordinance of July 20, 1875, page 204. Is Section 3 of the ordinance of December 24, 1864, thereby made obsolete since it refers to the distances mentioned in Section 2 now repealed; and, if made obsolete, and the ordinance of September 23, 1864, is repealed, is there any ordinance whatever in existence regulating the size of such show cases and devices?”

It is true that the ordinance of July 20, 1875, repeals so much of Section 2 of the ordinance of December 24, 1864, as relates to the extension or projection from any dwelling or building of any sign board, pole or other device to denote or show the place of business or the merchandise or things which the occupant thereof has to dispose of, but this does not repeal or affect the measurements embraced in Section 2 of the ordinance of December 24, 1864, as those measurements are referred to

and in effect embodied in the third section of the last named ordinance. Section 3 is not thereby made obsolete but is still in force and was considered by the Supreme Court as governing the subject as late as 1893, in the case of *Philadelphiha vs. Sheppard*, 158 Pa. 347, which case, and the subject generally, were discussed at considerable length in an opinion from this Department sent you on December 20, 1912 (*City Solicitor's Opinions*, page 538).

The third question is in these terms:

“What, under the ordinances, is the width, height and length of a stand or show case or other device that is permissible on the street of the width of 50 feet?”

The length of a stand or show case may be the entire frontage of the building in front of which it is erected. The allowable height and width are as follows: Four feet three inches, from the building line, and to a height of four feet six inches from which point to the top of the first story they may not extend more than one foot six inches, and from the top of the first story not more than four feet three inches to any part of said building (ordinance of December 24, 1864).

Fourth question:

“What is the width, height and length of a stand, show case or other device that is permissible in a street of less width than 50 feet?”

The ordinance is silent as to streets of a less width than 50 feet with respect to stands, show cases, etc. I may, however, call your attention to Section 11 of the ordinance of September 23, 1864, which in defining nuisances caused by the maintenance of cellar doors, porches or steps, provides as follows:

(It shall be a nuisance) “To place or maintain any cellar door, porch or steps which shall extend more than four feet six inches into any footway of any street of 50 feet wide or upwards, or a proportionate distance into any footway in any street of less width than 50 feet.”

This section does not, of course, legislate with respect to stands or show cases, but may furnish an analogy to which resort may be had, especially as the provisions of Section 11 of the ordinance of September 23, 1864, are in substance repeated by the later ordinance of March 21, 1891 (page 89).

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 22, 1913.

Dishonored Salary Checks of American Product Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter of the Chief of the Bureau of Highways and Street Cleaning, approved by you, enclosing copy of a letter to himself from Harry Dickson of Twenty-ninth street and Lehigh avenue, who states that he has cashed three checks of employees of the American Product Company, which checks were given in payment of salaries and which have been dishonored, the total amount involved being \$71.20. This Department is asked, "What action, if any, should we take in the matter?"

It is obvious that the City has absolutely nothing to do with the matter and Mr. Dickson should be so advised.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 22, 1913.**Claim of Cunningham & Murray; Torresdale Pipe Line.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Water, approved by you, relative to the claim of Messrs. Cunningham & Murray against the City on account of extra work under Contract No. 70, Torresdale Pipe Line. The Chief of the Bureau refers to a letter from counsel for Messrs. Cunningham & Murray to you, in which attention is called to the recent decision of the Supreme Court in the case of Cunningham & Murray *vs.* Dunlap, which, among other things, includes a statement to the effect that the return “of the Chief of the Water Bureau admitted a certain sum to be due the petitioners for extra work which was not included in their contract, and for that sum a warrant ought to be issued to them without prejudice to their right to demand the balance of the appropriation.”

The amount thus admitted by the Chief of the Water Bureau in his return is \$12,726.59. In accordance with this decision I think the request of the attorney for Messrs. Cunningham & Murray should be complied with, that the Chief of the Bureau of Water draw and that you sign a warrant for the above amount in favor of that firm.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 25, 1913.

Interest on City Bonds Not Subject to Income Tax.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 24th inst., with enclosures, relative to the question whether the interest upon the bonds of the City of Philadelphia is subject to the income tax under Section 2 of the Tariff Act of Congress recently approved.

The language of paragraph B of that section answers this question, for it provides that "in computing the net income under this section there shall be excluded the interest upon the obligations of a State or any political sub-division thereof."

A city is a political sub-division of the State within the meaning of this Act, and consequently interest upon the obligations of cities is to be excluded in computing income upon which a tax is required to be paid.

The inquiry of the Trust Officer of the Philadelphia Trust Company was correctly answered by Mr. Bartow, Cashier of the Farmers' and Mechanics' National Bank, and the Trust Company will, of course, receive the full amount of the interest; but the City will not pay the income tax under its guarantee that its bonds are "free of tax," because that tax will not be payable by anyone on such bonds.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 25, 1913.**Lease of Keystone Telephone Company's Underground Wires.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Electrical Bureau, with your approval, inquiring with relation to the provision of the ordinance of December 26, 1902 (p. 323), which authorizes the Keystone Telephone Company of Philadelphia "to lease any portion or all of its conduits, poles or wires not used by it for the transaction of its business to any other corporation having authority to use the same." The opinion of this Department is desired whether under this language "an individual or a company not having authorization by Councils would have the right to lease from the Keystone Telephone Company of Philadelphia, underground wires for the purpose of furnishing various kinds of information to persons who would pay for such service."

The permissive clause of the ordinance of 1902 is limited to leases "to any other corporation having authority to use the same;" therefore, it gives the Keystone Telephone Company no power to lease to an individual.

With respect to a corporation, I am of opinion that without the authority of Councils to enter upon the City's highways, no company would have "authority to use the same," unless it should be some corporation with a charter right to use the streets independently of the consent of Councils.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 27, 1913.

*In re Dedication of Certain Streets by Schuylkill River
East Side Railroad Company—Plan No. 279.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—The letter of the Chief of the Bureau of Surveys, bearing your approval, in relation to the refusal of the Schuylkill River East Side Railroad Company to dedicate certain streets in revised Plan No. 279, has been duly received.

It appears that the ordinance of March 2, 1907, provided for the revision of the lines and grades of that portion of Plan No. 279 bounded by Tasker street, Thirty-fifth street, Wolf street and the Schuylkill river, and to strike therefrom and vacate certain streets, and place on the City plan a new street eighty feet wide, from a point at or near the intersection of Snyder avenue and Thirty-fourth street to a point on the Schuylkill river about 300 feet north of the then present line of McKean street and the approach to a proposed bridge to be built across the Schuylkill river.

Section 3 of the ordinance made its effect contingent upon the filing of an agreement of the Schuylkill River East Side Railroad Company, providing for the laying, repairs and maintenance of certain sewers; "that it will dedicate to the City so much of the bed of any street revised or confirmed under authority of this ordinance as may lie within property owned or controlled by it;" that it would release the City from claims for damages by reason of the revision, opening and grading of any street as confirmed under authority of the ordinance through its property, and the construction and maintenance of said sewer or sewers, and would "indemnify said City against any loss or damage which may arise from the vacation of any street as herein authorized or which may be caused by

the construction and operation of its railroad within the territory covered by this ordinance;" that it would at its own expense make reasonable adjustment of its tracks crossing the line of the new street authorized by Section 1 as would permit the construction of a bridge across the same as an approach to the proposed bridge across the Schuylkill river, and that in addition to said agreement it would file its bond in the sum of \$50,000 conditioned upon the faithful compliance with all the terms, conditions and privileges of said ordinance.

The agreement and bond thus provided for were duly executed by the Schuylkill River East Side Railroad Company, the bond having as surety the Baltimore and Ohio Railroad Company and the Schuylkill Improvement Land Company.

Mr. Webster states that the ordinance was passed at the instance of the Schuylkill River East Side Railroad Company, which, however, has never dedicated any property, as required by the terms of the ordinance, and claims that it is not obliged to dedicate any streets or assume responsibility for damages, except in the cases of streets specifically mentioned in Section 1 of the ordinance; that in order that the wishes of that company might be complied with, other revisions except those specifically mentioned in the ordinance were required, and among those is Schuylkill avenue, from Tasker to Morris street, which was shifted in order that it might be carried clear of the tracks at that point.

The advice of this Department is requested whether under the terms of the ordinance the Schuylkill River East Side Railroad Company can be required to dedicate so much of Schuylkill avenue, between Tasker and Morris streets, as lies within its property; whether it can be required to dedicate portions of other streets lying within its property, in accordance with the revised plans, and if these dedications can be required, what steps should be taken to procure them.

In my opinion the authority to revise the plan is not limited by the specific mention of certain streets in the

first section of the ordinance, but, on the contrary, the general authority given to the Board of Surveyors to revise lines and grades in the section named would apply to any revision made in that plan within the territory mentioned, thereby requiring the railroad company to make the dedications of all the streets "revised and confirmed under authority of this ordinance," including those in question.

With respect to the mode of procedure to compel this to be done, the most feasible method would be to notify the Schuylkill River East Side Railroad Company and the sureties on its bond to deliver to the City deeds of dedication as called for under the terms of its agreement for so much of the streets on the revised plans as pass through its property, definitely naming them; that unless this request was complied with application would be made to Councils for the opening of such streets, and that it would be held responsible under its agreement and bond for any damages which the City might sustain by reason of such opening. Upon the passage of an ordinance or ordinances for the opening of Schuylkill avenue between those points, and of the other streets on the new plan, if their opening be desired, should the railroad company present claims for damages on its own behalf, its agreement to dedicate could be used to rebut such claim, and its guarantee against liability for damage to others could thereafter be made the subject of a suit upon the agreement and bond, as indicated in said notice, in case any damages may be recovered from the City.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 27, 1913.**In re Contract for Completion of South Broad Street
Boulevard.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—The letter of the Chief of the Bureau of Highways and Street Cleaning, bearing the approval of your Assistant Director, relative to the offer of the Hassam Paving Company, contractors, for the completion of the South Broad Street Boulevard, is duly received. That Company offers to purchase from the City, at ten cents a cubic yard, gravel dumped upon League Island Park, for use upon the Boulevard in connection with its contract. It is stated by the Chief of the Bureau that the proposition seems to be a fair one to the City, as it is not only offered to take the gravel at the price mentioned, but to replace it with other material.

In a contract entered into under the circumstances surrounding this one, my judgment is that it would be imprudent for the City to assume any informal or additional relations with the contractor of whatever character, and that it would be better to adhere strictly to the terms of the written contract without modification or further agreement.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 28, 1913.**Payment of Warrant, Markee & Co. Contract; Dispute
Between Partners.*

JOHN M. WALTON, ESQ.,

City Controller.

DEAR SIR:—I am in receipt of your letter of this date with reference to the delivery of a warrant under a con-

tract between the City and the firm of Markee & Co., composed of William T. Markee and William C. Watson. It appears therefrom that the contract with the City was signed by both parties in the individual and firm names; that a warrant for work done under the contract, drawn to the order of the firm, has been presented by one of the partners with an order for the same, which is also made in favor of the parties under their firm name; and the other partner has notified you not to pay this warrant to the partner presenting it, stating that there are disputes between them, and they have presented their respective views to you through counsel. The Director of the Department of Public Health and Charities has notified both partners to go on and complete the work or he will himself do so.

You ask whether, in view of the circumstances, you are not justified in requiring the signature of both partners to the receipt of the warrant; also, whether you should notify the surety company on the bonds accompanying the contract as to your intention in the matter.

The facts presented by you are such that, in my opinion, it would be most imprudent to deliver the warrant to either partner without their joint signature to the receipt, unless the City should be protected by proper indemnity, or unless you should be directed so to do by judicial order or decree.

I think it would be well for you to communicate your determination in the matter to the surety on the bonds accompanying the contract.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, October 29, 1913.**In re Bridge Over G Street on Line of Connecting Railway.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Surveys, approved by the Assistant Director of your Department, with respect to the obligations of the Connecting Railway Company, or its lessee, the Pennsylvania Railroad Company, under the ordinance of April 5, 1902, page 101. This ordinance provides for the revision of lines and grades of streets adjacent to the railroad company or affected by its construction, between Orthodox and Front streets, for the purpose of carrying the railroad over or under the streets affected, thus avoiding grade crossings in that vicinity.

As stated in said letter, it is provided in that ordinance, among other things, that when streets or roads heretofore opened to public use shall be cut off or diverted, necessary outlets to other streets must be made at the expense of the said railroad company, which shall pay all costs of changes appurtenant thereto.

Section 6 of the ordinance further provides that before it shall become effective, or the revision shall be confirmed, the Connecting Railway Company shall enter into an agreement “to *at once* construct bridges at its own expense for carrying the said railroad over or under,” among others, G street.

From the Chief Engineer's letter it appears that the City has placed under contract a bridge on the line of G street over the present line of the Connecting Railway; that the proposed new line of that railway being north of the present line so that in order to open G street and improve it to the lines and grades of the present confirmed City plan, a new bridge as required to be built by the railway company must be constructed, and the

portion of G street lying between the two bridges must be graded by being filled to the elevation which will admit of its being carried over the railroad. The Pennsylvania Railroad Company has been asked by him whether it had made arrangements to proceed with the construction of the bridges with the necessary approaches, and, if not, whether it can so arrange to proceed with the bridge at G street and the filling of the approaches thereto, in accordance with the provisions of the ordinance.

The Chief Engineer of the railroad company replies that:

“As the construction of the proposed new line of the Connecting Railway at that point will probably not come up for some time, we do not think it wise to build the bridge to carry G street over this new line and would prefer to make an embankment across our right-of-way on the line of G street, carrying the same up to the new grade to be established by you. When the new line is built later this embankment can be removed and the overhead bridge constructed.

“If you will advise us when you expect to go ahead with the work of raising the grade of G street, we will arrange to have our filling proceed in conjunction with your grading, so that there may be no hindrance to traffic.”

Assuming that the proposed railroad bridge across G street is the one contemplated in Section 6 of the ordinance to be constructed across that street, if the answer of the railroad company's engineer is meant to place upon the City the responsibility and expense of the grading of G street, I am of opinion that the Bureau of Surveys is correct in regarding this position of the railroad company as an erroneous one; and to the question whether the railroad company “is or is not obligated to include, in addition to the construction of bridges, the approaches thereto, covering the necessary grading to make G street conform to the City plan, which is a necessary outcome of the change made to accommodate the railroad company's

new line," I reply that, in my judgment, the Connecting Railway Company, or its lessee, the Pennsylvania Railroad Company, is so obligated.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 29, 1913.

Registration of Title to Property Claimed by Adverse Possession.

GEORGE S. WEBSTER, ESQ.,

Chief Engineer and Surveyor, Bureau of Surveys.

DEAR SIR:—In further reference to the application to your Bureau by Josephine W. Williams for registration of a plot of ground at Seventy-second street and Grays avenue, concerning which you requested the opinion of this Department on May 15, 1913, you will perhaps recall that I advised you in part as follows:

"A good title can be acquired by adverse possession, and when the facts are definitely and clearly proven it would not be improper to register such a title, but, as it arises of itself without any preceding link in the chain of title, very clear and convincing proofs by affidavits or otherwise should, I think, be required before such a title is admitted to registry. The affidavits should show open, adverse, notorious, exclusive and continuous possession by the claimant for a period of at least twenty-one years, and the facts upon which possession of that character is claimed should be detailed."

Pursuant to this advice the Registrar of the Bureau of Surveys informed Mrs. Williams that three affidavits would be required showing open, adverse, notorious, exclusive and continuous possession of the property for a

period of at least twenty-one years. This action was doubtless justified by the tenor of your advice from this Department, as shown by the above citation therefrom. Counsel for Mrs. Williams, however, has recently taken up the subject anew. He calls attention to the fact that before application for registration was made an affidavit showing the claim of title by adverse possession, as required by Act of May 31, 1901 (P. L. 352), had been delivered to the Recorder of Deeds and recorded in Deed Book E. L. T., No. 156, page 477. He complains, perhaps with justice, that our requirements to establish a basis for registering the title are more severe than would be exacted of him to prove his title in judicial proceedings, and, in addition to the affidavit already referred to, he has had the applicant make a further affidavit, which I enclose for your files, and from which it appears that she and her parents preceding her in ownership have held open, adverse and undisputed possession of the tract continuously since 1865 and have resided thereon during that period.

It further appears that no claim to registry in contravention of that of Mrs. Williams has been made.

In view of all the foregoing circumstances, I think her application should be acted upon favorably, and in accordance therewith the tract should be registered in her name under claim of ownership by adverse possession.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, October 30, 1913.

Contract with American Product Company; Return of Deposit.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 23rd inst., enclosing copy of one to yourself from counsel for

the Title Guaranty and Surety Company, surety for the American Product Company, under its contract with the City for the removal of garbage, etc., during the current year. Therein you are notified to withhold payment of any money to the American Product Company under said contract in order that the Title Guaranty and Surety Company may be reimbursed for losses sustained by it as such surety. The letter of notice goes further, however, and states that "the American Product Company has also deposited a certified check for seventy-five hundred (7,500) dollars accompanying its proposal for the garbage contract for 1914." The notice continues, as follows:

"Whether moneys may be retained by the City, or any moneys which may be returned to the American Product Company by the City officials upon the failure of the American Product Company to execute the required contract and file the required bonds, would also be ear-marked as funds the ownership to which is claimed by my client because of becoming surety for the American Product Company,"

and finally, there is a general notification and request to refrain from paying to the American Product Company, or any representative, receiver or trustee therefor, "any funds possibly due or which become possibly due the said company or the representatives thereof until said payment is approved by my client, the Title Guaranty and Surety Company."

Referring to so much of said letter as relates to the request in connection with the deposit of the certified check for \$7,500 accompanying the bid of the American Product Company for the contract for 1914, you say that immediately upon the award of such a contract it has been the practice to return the checks deposited to the unsuccessful bidders, and you inquire whether there is anything in the present situation which would prevent you following the usual custom and returning the check of \$7,500 to the American Product Company.

I assume that your inquiry refers to the contingency of the award of the contract to a bidder other than the

American Product Company. In case of such an award, under the terms of the deposit of the certified check by that company it is entitled to the return of its check. This check has no relation to the suretyship of the Title Guaranty and Surety Company under the contract for 1913, and I know of nothing either in the notice above mentioned, or otherwise, which would prevent your conforming to the custom of returning the check, since the purpose for which it is in your possession will, upon the contingency stated, cease to exist.

Under the fifth paragraph of "Information to Bidders" (if this is similar to that of 1913) it is provided that "such checks will be returned to unsuccessful bidders within three days after award," so that you would be at liberty to return the check at any time within the period of three days after the award of the contract.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 1, 1913.

E. H. Vare vs. City of Philadelphia, C. P. 4, September Term, 1913, No. 1139.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—Concerning Warrant No. 516, dated March 25, 1913, drawn by the Department of Public Works to Edwin H. Vare, in payment for work done in month of February, 1913, under his contract for street cleaning, etc., for 1913. I beg to advise you that in above suit this contract is in litigation and it has been agreed between plaintiff and defendant that, inasmuch as the amount of this warrant, viz., \$12,453.33, is admitted to

be due by the Department of Public Works, it may be collected by the payee; you are advised that it would be proper to countersign that warrant.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 1, 1913.

Philip C. Eisele vs. City of Philadelphia, C. P. 4, September Term, 1913, No. 1140.

JOHN M. WALTON, ESQ.,

City Controller.

DEAR SIR:—Concerning Warrant 514, dated March 25, 1913, drawn by the Department of Public Works to Philip C. Eisele in payment for work done in month of February, 1913, under his contract for street cleaning, etc., for 1913, permit me to advise you that in the above suit this contract is in litigation and it has been agreed between plaintiff and defendant that, inasmuch as the amount of this warrant, viz., \$11,508.33, is admitted to be due by the Department of Public Works, it may be collected by the payee. You are advised that it would be proper to countersign that warrant.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 3, 1913.**Power of Attorney—Mark P. Wells, Contractor—Authorizing Payment to Harry E. Clark.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I return herewith a power of attorney by Mark P. Wells, contractor, to Harry E. Clark, authorizing him to receive warrants hereafter to become due under contract with the City of Philadelphia for the construction of certain buildings for the Home for Feeble Minded, at Byberry.

The power of attorney purports to be authorized by the Wells Construction Company.

You inquire whether these papers are in proper legal shape, and whether you are authorized to deliver the warrants in accordance therewith to Mr. Clark.

Before doing this I think there should be attached to the power of attorney a certified copy of a minute of the Board of Directors of the Wells Construction Company showing that the President and Secretary are authorized to assent to it. There should also be some writing to show the knowledge and consent of the surety for the contractor to the payments to be made in accordance with the power of attorney.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 3, 1913.**Revision of Schuylkill Avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer and Surveyor, approved by you, inquiring what

steps should be taken to complete the opening of Schuylkill avenue as located upon the City plan under ordinance of March 5, 1901, and whether his Bureau or this Department should take action in the matter.

The ordinance authorized the revision of the lines and grades of that portion of Plan No. 164 bounded by Thirty-fifth street, Reed street, Schuylkill river and Tasker street, provided that the owners of property affected first enter into an agreement indemnifying the City against all damages by reason of the revision.

On June 14, 1901, George Watkinson, a property owner along the line of Schuylkill avenue, executed an agreement with the City; such agreement, however, does not comply with the proviso to the ordinance in that it simply indemnifies the City for any damages that might be sustained by reason of the vacation of Thirty-sixth street, from the south building line of Reed street to the south building line of Harmer street, and of Harmer street, from the east building line of Thirty-sixth street to the west building line of Schuylkill avenue; and for damages done to any other property of the said George Watkinson by reason of the vacation of Thirty-sixth street and Harmer street. The terms of this agreement, you will notice, are not as broad as those required by the ordinance, and I think that any revision made by the Board of Surveyors of that portion of Plan No. 164 in question is void by reason of such non-compliance with the ordinance.

I would suggest that the Bureau of Surveys endeavor to obtain a deed or deeds of dedication, with waiver clauses, for that portion of the street which has not yet been dedicated, and that a new agreement be entered into with Mr. Wilkinson, or other property owners, in accordance with the terms of the ordinance, containing a clause covering the subsequent opening of streets.

The blue prints kindly sent me are returned herewith.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 5, 1913.

*Opening of Forty-fourth Street, from Market Street to
Haverford Avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received the inquiry of the Chief of the Bureau of Highways and Street Cleaning, whether any reason exists for not having the property owners on Forty-fourth street, from Market street to Haverford avenue, notified that the same will be needed for the purpose of opening, in accordance with the ordinance of July 5, 1913.

This street was directed by ordinance of June 5, 1913, to be placed upon the City plan, but was not actually so placed until September 29, 1913, the ordinance of July 5, 1913, for the opening of the street being passed meanwhile.

By Act of April 21, 1855, Section 7, the right of Councils to direct the opening of streets is limited to those upon the City plan, and accordingly, in re Girard avenue and Fortieth street, 18 Philadelphia, 499, it was held that an ordinance directing such opening passed before the street had been placed upon the City plan, was illegal, though the street was plotted before the actual opening. It would seem from this that the ordinance of July 5, 1913, directing the opening of the street is invalid and that a new ordinance to that effect will be necessary. For this reason the bond required by the terms of the later ordinance was never prepared or executed, and for the same reason the notices concerning which inquiry is made should not be sent out until a new ordinance directing the opening of the street shall have been passed.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 5, 1913.**Employment of Consulting Engineer—Institution for Feeble-Minded.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—Permit me to acknowledge the receipt of your communication requesting my opinion whether you are authorized to employ a consulting engineer in connection with the building of a power plant for the Philadelphia Institution for the Feeble-Minded.

I am of opinion that a consulting and mechanical engineer may be employed if the power house is of a character to require the services of such a specialist. As to this I would suggest that you consult with Mr. Philip H. Johnson, who, I understand, is the architect in charge of the erection of that institution.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 6, 1913.**Appointment of Engineer, Department of Wharves, Docks and Ferries.*

PETER BOLGER, ESQ.,

Secretary of Civil Service Commission.

DEAR SIR:—Permit me to acknowledge your letter of November 3, 1913, with enclosures, requesting the opinion of this Department whether the position of engineer under the Act of Assembly of July 25, 1913, is subject to the operation of the Civil Service law.

The purpose of the Civil Service law (Act of March 5,

1906, P. L. 83) is to regulate the manner of selection and appointment of "any officer, clerk, employee or laborer in the Civil Service under the government of any city of the first class."

The Act applies to officers and employees of the City. This appears from many of the provisions of the statute. Accordingly the Courts have held that county officers, etc., though paid out of the City Treasury, are not within the purview of the Act. *Bonnell vs. Philadelphia*, 48 Superior Court, 456, and the same reasoning would apply to a State appointee.

The engineer to be appointed under the Act of July 25, 1913, is neither an officer nor employee of the City of Philadelphia. He is engaged in work which is prosecuted by the Commonwealth of Pennsylvania, and which is not confined to the limits of the City, but extends to any "dredging in the Delaware and Schuylkill rivers within the limits of the State of Pennsylvania," and to the "improvement of harbor facilities" within the State. His salary is to be paid out of a State appropriation, and he is required "to report to the Governor from time to time as to the expenditure of said moneys."

The provisions of the Act of 1913, that the engineer "shall assist and co-operate in said work with the Director of the Department of Wharves, Docks and Ferries," and that "the moneys so appropriated shall only be expended as authorized and directed by the Councils of the City of Philadelphia," relate merely to the supervision of the work and expenditure and do not affect the status of the engineer. He is appointed by the Chief Executive of the Commonwealth and is paid by the Commonwealth; he represents the interests of the Commonwealth in the work done, and is responsible only to the power that appointed him. He is for these reasons an employee of the State and not of the municipality.

I am therefore of the opinion that the appointment in question is not governed by the Civil Service law.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 7, 1913.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—Permit me to acknowledge the receipt of your communication of October 29th, inquiring whether power is vested in your Department to enforce the prohibition of "No Smoking" signs distributed by it and posted on private premises.

I regret that I do not find any authority in law for the enforcement by municipalities and their officers of such prohibitions. The Section of the Fire Marshal's Act of 1911, to which you refer in your letter, relates to the authority of that officer to cause the removal from certain buildings of inflammable substances. It does not authorize him to interfere with the practice of smoking on private property.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 8, 1913.

WM. H. FELTON, ESQ.,

Chief Clerk of Common Council.

DEAR SIR:—I am in receipt of your letter of this date, inquiring as to the effect of the action of the Mayor as embodied in a message sent by him to Councils on November 5th last, with respect to "An Ordinance to give preference and protection to honorably discharged soldiers, sailors and marines who served in the Civil, Spanish-American or Philippine Wars and to their widows, or an army nurse of said wars."

The said proposed ordinance was passed by the Select and Common Councils on October 23, 1913, and certified to the Mayor on the following day. The next meeting of Councils was on November 6th, when the communication from the Mayor above referred to was received. The ordinance sent to the Mayor was not returned by him with his message, which, after discussing the legal phases involved in the proposed ordinance, concludes by stating:

"I am unwilling to raise any question as to the obvious duty of public officials toward those who so gallantly defended their country in the time of its need by vetoing this ordinance, but I have such serious doubts as to its legality that I withhold my signature."

The fourth section of the Act of May 23, 1874 (P. L. 230), provides in part that:

"Every legislative act of the Councils shall be by resolution or ordinance; and every ordinance or resolution, except as hereinafter provided, shall, before it take effect, be presented, duly engrossed and certified, to the Mayor for his approval. The Mayor shall sign the said resolution or ordinance, if he approve it, or return the same to the branch of Councils wherein such resolution or ordinance originated within ten days, or at the next meeting of Councils after ten days have expired, if he does not approve it, with the reasons therefor; and if thereupon each branch of Councils pass the same within five days of such veto by a vote of three-fifths of all the members elected to each branch, it shall become effective as though the Mayor had signed the same; it shall equally become effective if he should neglect to return the same within such ten days."

It is seen from this statute that the Mayor may (1) sign an ordinance or resolution if he approve it, or (2) he may return it within ten days or at the next meeting of Councils after ten days have expired if he do not approve it, with his reasons therefor; or (3) he may re-

tain the bill by neglecting "to return the same," in which event it shall equally become a law as if he had signed it.

Referring to this provision of the Act, the Supreme Court, in the case of *Pennsylvania Globe Gaslight Co. vs. Scranton*, 97 Pa. 538, at page 542, said:

"The fourth section gives the Mayor ten days, or the further period intervening between the expiration of the ten days and the next meeting of the Council, within which to return the vetoed ordinance. The reason for this is obvious enough, since this part of the statute gives the Mayor no power to convene the Councils for the purpose of considering the rejected ordinance."

And, in the case of *Commonwealth vs. Fitler*, 136 Pa. 129, the same Court expressed itself as follows (page 142):

"So far as the Act of 1874 requires the Mayor to return an ordinance to Councils within ten days, it is mandatory, and, by his failure to do so, the ordinance would be as valid as if he had signed it. But the direction to return it to the 'branch of Councils wherein such resolution or ordinance originated' is merely directory."

I think it follows from the language of the statute and from the construction thereof thus placed upon it, that in order to effectively veto a bill it must be returned to Councils by the Mayor; otherwise it will become a law without his signature. In the present instance the Mayor disclaims an intention to veto the ordinance, but expresses his purpose to withhold his signature therefrom. This must be taken, in conjunction with the alternatives presented by the Act of 1874, to mean that, while he will not actually veto the bill by the statutory method of returning it, his purpose is to permit it to become a law without his signature, in accordance with the final provision of the Act.

I am therefore of opinion that the ordinance in question has not been vetoed, and that, on the contrary, it has become a law without the signature of the Mayor.

The foregoing, of course, relates only to the measure in its character as an ordinance of the City duly enacted; it has no bearing upon the subjects discussed in the Mayor's message as to whether or not such an ordinance when passed would be legally effective.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 10, 1913.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—In compliance with your request, permit me to submit the following suggested form of declination of license for the Chestnut Street Theatre:

“Your application of October 23d for a license for the Chestnut Street Theatre during the year 1913 has been received. I must decline to issue a license for the following reasons:

“As early as February 14, 1913, the attention of the management of the Chestnut Street Theatre was called to the menacing conditions of that building, and recommendations were made as to certain changes which the municipal authorities deem essential to insure a reasonably safe place for the attendance of the public. The suggestions for remedying this dangerous condition were as follows:

The general exit facilities from this building are insufficient.

The fire-escape facilities on the Chestnut street front would be totally inadequate in case of an emergency.

Patrons of the house are obliged to move in one direction in order to gain exit to the street.

The design of this building is such that, in case of emergency or panic, congestion would undoubtedly result with an attendant loss of life. It is almost impossible to suggest any means of remedying these conditions except by remodeling of the theatre, which should undoubtedly be done.

"General specifications had also been prepared in circular form referring to all of the theatres, and in the case of the Chestnut Street Theater Items 'E,' 'F,' 'G' and 'H' applied as follows:

'E'—All scenery and props, other than that in actual use on the stage, shall be stored in incombustible scene docks or in some appropriate building outside of the theatre.

'F'—All that portion of the theatre in back of the proscenium wall, scene docks, storage rooms, dressing rooms, property rooms and carpenter shop shall be constructed of incombustible material.

'G'—Every such theatre shall be provided with a modern asbestos curtain, as provided by law, and arranged to slide in vertical grooves, and that proper space be provided, if necessary, in back of the proscenium wall, above the soffit of the proscenium arch, for the operation of such sliding curtain.

'H'—Every such theatre shall be provided with incombustible scene docks, for the storage of all scenery and props not in actual use on the stage.

"On May 8, 1913, an architect representing the theatre called at the Bureau of Building Inspection for detailed information. His attention was called to the suggestions above referred to and also to the following facts:

That this is the only theatre in the City, with the exception of the Academy of Music, which has three galleries; that the front wall of the building is located on the steps midway between the pavement and the lobby, constituting a serious menace in case of panic; that there are but two stairways leading from the two uppermost galleries, with but two additional stairways leading from the balcony; that all of the exits from the theatre lead in but one direction, and that is by way of the front on Chestnut street.

“His attention was also called to the following specific requirements:

That alterations be made to the front so as to provide adequate means of exit; that this would necessitate a partial reconstruction of the front wall and would necessitate compliance with the ordinance of March 31, 1884, requiring the front wall to be set back to the new line of Chestnut street; that additional exits be provided from the galleries; that a fire wall be erected in order properly to protect the dressing rooms from fire on the stage; that rear exits be provided from the auditorium.

“Your management was notified that these suggestions must be complied with, excepting paragraphs ‘F,’ ‘G’ and ‘H,’ before a license for this year would be granted. These alterations and changes relate to conditions essential for the protection of the lives of your patrons in the event of fire and panic. Until they are complied with the building is highly unsafe and constitutes a grave menace to the public.

“I may also observe that I am supported in this opinion by the Fire Marshal, who informs me that he will not approve a license for your theatre until the requirements are complied with.

“I am unwilling to give the apparent approval of the municipality to so grave a menace to public safety

as is your theatre by issuing a license for the conducting of public exhibitions in it. Until the changes and alterations suggested are made, I must decline to grant your request."

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 10, 1913.

In re Payment for Sewers.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Surveys, approved by you, in reference to ordinances of May 29, 1913, and October 29, 1913, the former authorizing the construction of certain sewers to be paid for out of Item 131 (\$7,000,000 loan), and the later ordinance appropriating \$75,000 for the construction of branch sewers.

The first mentioned ordinance provided for the construction of a large number of sewers specifically mentioned therein, which I understand to be branch sewers. Section 3 gave authority to pay for the inspection, borings and expenses incident to the work of constructing said sewers from the item for the construction of branch sewers.

It appears that the funds in Item 131 devoted to the payment for the designated sewers has become exhausted, and by the ordinance of October 29th a further sum of \$75,000 was appropriated generally to Item 140 for the construction of branch sewers.

In view of these facts I think you would have the power to use said sum of \$75,000, or such part thereof

as may be deemed necessary or proper, for the construction either of those branch sewers which were named in the ordinance of May 29th or of others at any time duly authorized by Councils.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 11, 1913.

Moving Picture Licenses.

GEORGE D. PORTER, ESQ.,
Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter to yourself from the Fire Marshal (which I return herewith), and which you have transmitted with a request that an opinion be given in respect to the matters mentioned therein.

The Fire Marshal's inquiries, with my replies thereto, are as follows:

1. "A rents a property from B, and secures a license, good for one calendar year, to operate a moving picture parlor therein. A has only a thirty day lease and B increases his monthly rental, or for any other cause A wishes, at some period during the calendar year, to discontinue business. B obtains another lessee, C, whose purpose is to operate a moving picture parlor in this same place, for which a license in A's name has been issued, but which A refuses to bargain for or turn over at any price to the new management. As we interpret the law, the place and not the individual is licensed, but to safeguard the public, this office must be cognizant of the management."

It is true that under the ordinance of February 20, 1908 (page 26), by which the subject is governed, the place is licensed, but the license is to be granted "to the lessee or proprietor" of the place—that is to say, the license is to a specified individual to operate a moving picture exhibition at a given place. Such a license would not authorize any other person to operate moving pictures at the licensed place, at least without a transfer of the license, which in the circumstances stated would not have been obtained, and C would therefore not have the right to take the place of A as the proprietor of the moving picture establishment without obtaining a new license.

2. "Several instances have developed under conditions where, as above illustrated, C is operating a moving picture parlor, and only by chance of our frequent visits have we learned and recorded the new and responsible parties; therefore, we would appreciate an opinion as to our position in the transfer of this license, particularly if we are correct in assuming that the license is for the place and not an individual; also what safeguard can be applied to guarantee an immediate notification of change of management."

It would perhaps be well to have printed on the licenses a statement (the requirements of which should be rigidly enforced) to the effect that no one, except the licensee, is thereby authorized to operate moving pictures at the licensed place unless under a transfer of the license to the new proprietor, which transfer is required to be registered in your Department.

3. "Possibly the opinion on the above points may cover an instance now before us, and if not, we will appreciate further advice for a circumstance, where A has disappeared with the license and the Receiver of Taxes' receipt therefor, leaving B to close the place and effect a renewal with a third party, C, who is willing to reopen if the old license will continue for the calendar year; what can we, under the circum-

stances, substitute for this license for C to show upon demand from the authorities as his right to operate."

As already seen, the license is personal as well as local. Under the circumstances stated it would seem necessary for C to obtain a new license which he would show to the authorities as his right to operate.

As bearing upon all of the foregoing inquiries, it is to be noted that by Section 2 of the ordinance the equipment of such places is to be inspected by the Fire Marshal, as well as the place itself, before he approves of the application for a license, and that official is authorized to make rules and regulations "in respect to all machines, appliances or the accessories thereof or thereto used in connection with or as a part of the said moving picture exhibitions."

As it may not be unusual for the proprietor of the exhibition when he abandons any place to take with him his equipment and appliances, the importance of a renewed inspection before any other person be permitted to operate a moving picture exhibition at the same place will be readily apparent.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 11, 1913.

Penalties for Street Cleaning and Garbage Contracts.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 10th inst., asking in effect whether the power to exact penalties from contractors for cleaning the streets and removing garbage is discretionary with your Department, or

whether the penalties for specified offences are to be deducted whenever such offences shall have been committed.

You transmit copy of a letter to yourself from the Chief of the Bureau of Highways and Street Cleaning, containing extracts from the specifications attached to the contracts for that work, and you say, "we have taken the position that the specifications for the garbage and street cleaning contract meant what they said in holding that the imposition of fines was discretionary with the Director of the Department of Public Works."

I assume that the opinion desired is with respect to the judicial view of the subject—in other words, an opinion as to what would be held in the Courts if the question were to arise in the course of actual litigation.

In the case of *Anders vs. Philadelphia*, 20 D. R. 279, the remission of penalties was one of the grounds upon which the charges contained in the bill in equity were based. The contract in that case, quite as strongly as those concerning which you inquire, vested in the head of the Department discretionary rights in the matter, yet from a reading of the opinion of Judge Willson in that case it is not easy to resist the conclusion that the view of the Court was that the penalties provided for in the contract for violations thereof should be visited upon the contractor without partiality and independent of discretionary powers supposed to have been reserved.

In the recent garbage litigation, while no decision has as yet been rendered, the Trial Judge appeared to give unmistakable evidence that in his view the powers reserved in the specifications would not justify a waiver or reduction of the prescribed penalties, at least no frequent or habitual remission.

Indeed, I do not think the extracts from the specifications in either contract have the broad significance which you have placed upon them in saying that they "meant what they said in holding that the imposition of fines was discretionary." What they provide is that "the question of deductions shall be decided by the Director and his decision upon the question shall be final and conclusive."

"The Director has the right to deduct from the monthly payments made to the contractor the following amount for each offence for all violations of the contract," or language similar in import, in the two contracts. This, I think, will hardly bear the interpretation that the amount of the penalty rests in the discretion of the City officials. The purpose of this provision is rather to avoid disputes between the contractor and the City when penalties shall be levied. It is to make the Director the final arbiter as against the contractor. When litigation with others than the contractor is in question (as, for instance, complaining taxpayers) it would not follow that the discretionary power is to be considered as reserved with respect to the amount of the fines and penalties, or as to the infliction thereof (when the offence is clearly established) so as to enable the penalty to be deducted or not at the pleasure of the head of the Department. His decision as to whether an infringement of the contract had been shown would doubtless, under the language used, be final and conclusive; but I do not think he is empowered to withhold the penalty at his discretion when the offence is found to have been committed. To permit this in an unlimited degree might readily result in favoritism, and if practiced to a considerable extent, would undoubtedly create a suspicion thereof. That the Director reserves "the right to deduct" the penalties named does not carry the implication that he may in his discretion lessen or omit them when it is clear that they have been incurred.

As already stated, however, the question is as to the view which the Courts would take of the subject, rather than as to an abstract opinion upon its merits, and I believe the specifications as now framed would not be held to confer upon the head of your Department, or the Chief of the Bureau, the wide discretionary power in the premises which you have assumed that they give.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 12, 1913.**Construction of Bridge at Island Avenue.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by the Assistant Director of your Department, accompanied by copy of a letter to the former from the Chief Engineer of the Pennsylvania Railroad Company, embracing a proposition from the latter to open negotiations with the City for the purpose of adjusting the claim of the Railroad Company for damages for the widening of Island Road on the Maryland Division of the Philadelphia, Baltimore and Washington Railroad, and the construction of a bridge over the railroad at that point. The engineer of the Railroad Company in proposing to enter into such negotiations asks, "Would you be satisfied to have the Railroad Company pay for one-half of this construction and the City of Philadelphia the other half?"

Mr. Webster desires the views of this Department as to the status of the case, and whether it would be advisable for him to enter into negotiations as suggested on behalf of the Railroad Company.

The status of the case is as follows: Island Road was opened from Woodland avenue to Elmwood avenue, to its full width of seventy feet, under ordinance approved March 31, 1903. A jury was appointed in 1903. When the claim of the Philadelphia, Washington and Baltimore Railroad Company was presented, it included an item of \$72,336 for the construction of the bridge in question. The report of the jury was filed July 8, 1904, by which damages were awarded to the Philadelphia, Washington and Baltimore Railroad Company in the sum of \$90,000. Appeal from this award was taken by the City

July 22, 1904, as of C. P 1, June Term, 1904, No. 3498, and the case has not yet been tried.

With regard to the entering into tentative negotiations in accordance with the proposition from the Railroad Company, I see no objection to this, but would suggest that the Road Bureau of this Department be kept in touch with and consulted in reference to the progress of such negotiations.

If the City should pay the amount awarded to the Railroad Company, or any considerable part thereof, it, of course, ought to be with the understanding that the Railroad Company is to bear the entire cost of the construction of the bridge. These and other details, I presume, may be worked out by mutual agreement in the course of the negotiations.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 12, 1913.

Claim for Taxes Against Garretson Hospital.

W. J. MILLIGAN, Esq.,

Chief Clerk of Select Council.

DEAR SIR:—I am in receipt of your certified copy of the ordinance of November 5, 1913, directing me to satisfy of record all claims for taxes against the Garretson Hospital. This is but one of several ordinances recently passed by Councils directing the satisfaction of tax liens against various properties. It is the only one, however, in which Councils have proposed to act under authority of an Act of Assembly—in this case the Act of June 19, 1913.

The power to exempt from taxation is strictly defined by the Constitution of Pennsylvania. Under Article IX, Sec. 1 thereof, it is provided that:

“All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under the general laws; but the General Assembly may by general laws exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit and institutions of purely public charity.”

So that there might be no doubt that the power to exempt was strictly limited to these enumerated subjects, the Constitution provides in Section 2 of the same Article:

“All laws exempting property from taxation other than the property above enumerated shall be void.”

This limitation has always been strictly followed, and various Acts of Assembly have been held void in attempting to exempt other classes of property than those enumerated in the foregoing constitutional provisions.

Fox's Appeal, 112 Pa. 337;

Cope's Estate, 191 Pa. 1;

Hagy's Estate, 191 Pa. 26.

The said Act of June 19, 1913, under which Councils have acted, provides that “taxes assessed against property used exclusively for public hospital purposes” shall be remitted. Manifestly, hospitals can only be exempted from taxation in so far as they come under the class designated, “institutions of purely public charity.” All other hospitals, public or private, are taxable. And even as to those which are operated as “institutions of purely public charity,” only such of their property as is actually used in the operation of the charity can be exempted. Other property owned by such institutions, but employed in non-

charitable use, is taxable. Such property does not form part of the "charitable institutions" as such.

Wagner's Institute Appeal, 116 Pa. 555;
 Philadelphia vs. Barber, 160 Pa. 123;
 Philadelphia vs. Jewish Hospital, 148 Pa. 454;
 Mercantile Library Co. vs. Phila., 161 Pa. 155;
 Phila. Hospital vs. Del. Co., 165 Pa. 305;
 Pocono Pines Assembly vs. County, 29 Pa. Sup.
 Ct. 36.

Whether or not property is employed by an institution of "purely public charity" as a part of its charitable plant is a mixed question of law and fact to be determined by the Board of Revision of Taxes and the Courts. If it is not, neither the Legislature nor Councils can exempt it.

The tax liens now of record against the Garretson Hospital cover the ten years from 1897 to 1906, both inclusive. The Board of Revision of Taxes found that the Hospital was renting out portions of its property to other institutions and collecting rents therefor. This is a commercial use, not a charitable one, and the Board of Revision assessed and taxed so much of the Hospital's property as was rented out. In so doing the Board followed the decisions of the Courts above cited. When the Hospital ceased renting out a part of its property and employed it all in its charitable work, the Board of Revision ceased taxing any of its property.

Property used for commercial purposes and not forming part of an institution of "purely public charity" cannot, in my opinion, be exempted by the Legislature of Pennsylvania, and in so far as the Act of June 19, 1913, attempts to exempt such property, I believe it to be unconstitutional and therefore void.

Any provisions of a Constitution which have the effect of restricting or prohibiting the creation of exemptions by the Legislature will necessarily have the effect of restraining whatever power in that respect the various mu-

municipalities in that State might otherwise possess. Municipal corporations have no inherent power to exempt.

Am. and Eng. Encyc. of Law, Vol. 12, p. 284;
Cyc., Vol. 37, p. 885.

That the Act of Assembly and the ordinance of Councils attempt to effect a ten-year exemption of the property in question by remitting the taxes instead of exempting it in so many words, will not give validity to the effort.

“Exemptions which are forbidden by the Constitution cannot be effected by the Legislature in an indirect manner, as by providing that certain property shall not be assessed, or that portions of some particular property shall be omitted from the assessment, or authorizing the remission, rebating or refunding of taxes or renewing or transferring a previously existing valid grant of exemption.”

Am. and Eng. Encyc. of Law, Vol. 12, p. 280,
citing:

Huntingdon *vs.* Worthen, 120 U. S. 97;

People *vs.* Eddy, 43 Cal. 331;

Wilson *vs.* Sutton Co., 47 Cal. 91;

Le Duc. *vs.* Hastings, 39 Minn. 110;

State *vs.* Armstrong, 53 Pac. Rep. 981;

Davis *vs.* Gaines, 48 Ark. 370;

R. E. *vs.* Palmer, 109 U. S. 244;

State *vs.* Tyler, 48 Conn. 145.

For the reasons here given, not only is the ordinance of November 5, 1913, in my opinion unlawful, but also all others of a like nature which attempt to relieve non-exempt property from taxes.

I therefore feel that I am not warranted under the law in satisfying the claims for unpaid taxes filed against the Garretson Hospital as directed by your Honorable Bodies, and with regret I so notify you.

Very truly yours,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 14, 1913.

MR. JOSEPH MARCUS,

Committee Clerk of Common Council.

DEAR SIR:—Your letter of the 14th instant, requesting an opinion as to the legality of granting a reduction in the water rates to the Boys' Club of the Church Club of Philadelphia, received.

Under the ordinance of June 21, 1878, the Chief Engineer of the Department for supplying the City with water is authorized to fix the water rents for all charitable institutions at fifteen per cent. of the regular schedule rates charged for the use of water. The only question, therefore, is whether this is a charitable institution.

From the affidavit filed by the President of the institution, and from independent investigation, it appears that the property is used exclusively for charitable purposes, that no gain or profit is derived from its use, and that the property has been exempt from taxation by the Board of Revision since 1900. It appears that membership in the club is not restricted to boys of any particular sect or denomination, but is organized solely for the purpose of affording the boys in the neighborhood opportunities for social enjoyment and educational development. Subscription for one year's membership is one dollar, but the revenues derived from this source have never exceeded twenty-five per cent. of the sum required to run the club, the balance being supplied by the Church Club and by private contributions.

Under the above facts, I am of opinion that this is a charitable institution, and as such is entitled to the reduction in water rates under the ordinance above referred to. The fact that revenue is derived from various sources for the maintenance of the club does not deprive it of its character as a charity so long as the income does not exceed the expenditures. The test is whether the revenues

exceed the line of self-support under the decision of the Supreme Court in *Episcopal Academy vs. Philadelphia*, 150 Pa. 565.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 14, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have your favor of 10th inst., with regard to sums of money aggregating about fifty (50) dollars in your hands from miscellaneous sources in connection with the contract of the City with the American Product Company, as from the sale of broken glass and old iron, grease, etc.

In reply to your inquiry whether this money should be paid into the City Treasury to the credit of the American Product Company, or whether it should be given directly to the Company, or its receiver, I think the former course should be followed so that the fund might be added to so much other money as may be due that Company and thus become the subject of a general accounting whenever final adjustment of matters between the Company and the City shall be made.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 14, 1913.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of 11th inst., in relation to wagons of the American Product Company in possession of teamsters who have been ordered to return them to that Company, or its receiver, but who, in some cases, have not done so.

In reply to your inquiry whether there is anything further that the City can do in the manner, I have nothing to suggest to be done further.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 15, 1913.**Right of Way of Pennsylvania Railroad Through League Island Park.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 1st inst., enclosing a communication from the Chief Engineer of the Bureau of Surveys, concerning the right of way of the Pennsylvania Railroad through League Island Park, and inquiring what, in the opinion of this Department, are the proper steps for you to take under all the circumstances.

In answer thereto permit me to say:

By ordinance approved March 28, 1900, reciting that the Pennsylvania Railroad had condemned for a branch

railroad this land and had offered, in lieu of a proceeding to assess damages by viewers, to pay to the City the sum paid by the City under the proceedings appropriating said land, and that this had been accepted, the Select and Common Councils, by Section 1, ordained:

“That the Mayor be, and is hereby authorized in consideration of the sum of twenty thousand and ninety (20,090) dollars to be paid him for the use of the City and the execution of a bond by the Pennsylvania Railroad Company to indemnify the City of Philadelphia for any further expenditure it may make for the land hereinafter specified to execute a deed of conveyance, on part of the City, conveying in fee, to the Pennsylvania Railroad Company and its successors * * * .”

(Here follows description of the two tracts, one containing 4.928-1000 acres, and the other 5.783-1000 acres).

Although the Railroad Company has used the land, nothing has ever been done under this ordinance.

An examination of the records of this Department, of the Survey Bureau and of the Recorder of Deeds office develops the fact that no condemnation proceedings were ever instituted, that no bond was ever executed, that no deed was ever executed or delivered, and that no money was ever paid to the City.

From an investigation I learn, however, that in 1899, prior to the passage of the ordinance of 1900, the Railroad Company notified the then Mayor, Hon. Samuel H. Ashbridge, of its purpose to construct a railroad from Twentieth street eastward to Eleventh street, across property which the City had condemned for League Island Park, and in connection therewith, tendered a bond to the City in the sum of \$20,000. To this notice the Mayor replied returning the bond thus offered, for the reason that the property proposed to be used by the Company had been selected for a public park and that Councils had not taken any action granting permission to the Railroad

Company to enter upon the land. The Mayor stated that he was without authority to accept the bond or give consent to the construction of the road, but as the United States Government was desirous of the road being built at once, and "as you (the Pennsylvania Railroad Company) feel confident that you can arrange with the City for the purchase of the land lying between the northerly right of way and Government avenue, in all about twenty-five acres, I do not feel that I should interfere with the construction of the road during the recess of Councils."

Among other things, he stated in said letter, that:

"It also becomes my duty to advise you that if you proceed pending the action of Councils, and while the title to some of the property taken for the City of Philadelphia may still be in other parties, it must be with the distinct understanding that the City does not, by its silence, acquiesce in your right to construct the said road, but reserves to itself the right, in the event of the failure of Councils to act, or if satisfactory arrangements for the purchase of the property is not made, to hereafter object to the construction of the road."

I send you herewith a copy of this letter, which copy has been kindly given to me by the Real Estate Department of the Pennsylvania Railroad Company.

In view of all these facts it is clear that the Pennsylvania Railroad Company has been in occupancy of the land during all these years without any authority excepting this letter from Mayor Ashbridge.

The remedy is: I. That there shall be a compliance with the terms of the ordinance and that a bond shall be prepared and executed by the Pennsylvania Railroad Company indemnifying the City, as provided for in said ordinance.

In order to arrive at a proper estimate of the amount of this bond, a plan and survey should be made by the District Surveyor, showing the quantity of ground taken by the Railroad Company from the different tracts con-

demmed in the taking of League Island Park, giving the amount taken from each property owner, and an estimate of the value. The right of way passes through nine different properties as condemned by the City, although to most of them the title is absolute and in fee. When the value has been fixed, I would ask the Pennsylvania Railroad Company to execute the bond, and upon its execution tender them a deed in consideration of the payment of the sum of twenty thousand and ninety (20,090) dollars, as provided for in the ordinance, and to this sum interest should be added as for rent.

II. If, however, you should deem it wiser to postpone action until the ordinance relating to the rebuilding of the railroads in South Philadelphia shall have been acted upon, you should remember that in making its settlement with the Pennsylvania Railroad Company this land belongs to the City and that the Railroad is in debt to it therefor.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 17, 1913.

In re Removal of Inspectors Employed by Architect.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your communication inquiring whether you are entitled to insist upon the removal of certain inspectors appointed by Philip H. Johnson in connection with the erection of certain municipal buildings for which he is architect, upon the grounds either that the City does not approve of the individuals selected as inspectors by the architect, or that they are unnecessary and the City could save the expense of such inspectors.

So far as the objection to the inspectors is based upon their personality, or the lack of confidence imposed in them by the Department, I may observe that such inspectors are representatives of the architect and not of the City. It is true that the duty of inspection imposed on the architect is for the protection of the municipality, and that, therefore, the function of the inspector is exercised in protection of the rights of the City. But the responsibility to protect the City's interests lies upon the architect under his contract with the City, and the latter must look to its architect for its protection. The inspectors are agents of the architect for the performance of that part of his contract with the City, and it would be inequitable and unjust to impose upon him the responsibility for the proper supervision of the work and at the same time deprive him of the power of complete appointment, supervision and control of his representatives on the ground. The fact that the City indirectly pays the inspectors arises from the provisions of its contracts with the architect and contractors. But it in no sense creates the relation of employer and employee between the municipality and the inspector.

The specific objection you have made to Mr. Neary's appointment—that he was discharged from the employ of the City for violation of the Shern Act, and should not therefore be employed by the architect as inspector on City work—is, I believe, untenable for the reason that the Shern Act is only applicable to municipal employees and cannot be extended to persons employed by a third person upon City work. The situation is analogous to the employment of such a person by the contractor. An employee of a municipal contractor is in no sense in the Civil Service of the City, and is not subject to the provisions of the Civil Service Act.

So far as the objection to the employment of more than one inspector as an unnecessary expenditure of the City's money is concerned, I may observe that in all the contracts supervised by Mr. Johnson, the time within which the work was to be done has expired. Whatever allow-

ance was made by the contractor for the pay of such inspectors covered only the period within which, by the terms of the contract, the work was to be completed. As that time has passed, the contractor is now paying such inspectors out of his own pocket. The latter are not even paid indirectly by the City. Its interest in their remuneration has ceased, and the municipality, therefore, would scarcely object upon this ground to the continuance of the inspectors by the architect. That is a matter between him and the contractor, with which the City has no concern.

In conclusion, I am of the opinion that the inspectors are the personal representatives of the architect, and as such the City cannot have any legal interest in their selection. Of course, as they are performing work for the protection of the municipality, the architect should give due consideration to any objections as to individuals which the City may deem proper to make, but the ultimate right of selection rests with the architect, who alone is fully responsible for the proper performance of the contract by the contractor.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 19, 1913.

Ownership of Water Meters.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter of the Chief of the Bureau of Water, approved by you, inquiring whether the provision of Section 4 of the ordinance of July 27, 1901 (page 268), to the effect that all water meters shall be and shall remain the property of the City, applies to such meters only as are purchased and set by the City,

or whether it can be construed to apply to meters purchased and set by the property owners.

The full text of the provision is that:

“All meters shall be and remain the property of the City. No rental shall be charged to the consumer for the use of the meter, but the consumer shall be held responsible for the safe keeping of the meter or meters on his premises and shall pay for any damage thereto other than from ordinary wear and tear, or from injury by fire.”

In my opinion this refers to the meters provided and put in place by the City in accordance with Section 1 of that ordinance, which is to the effect that:

“The Director of the Department of Public Works is hereby authorized and empowered to place meters on all and every premises where City water is consumed when formally requested by the owner or owners thereof, or upon any premises, except private dwelling houses, where there is an excess of water used beyond that charged for at fixture or ferrule rate, and no meter shall be removed from any premises except upon notice being given to the Chief of the Bureau of Water,” etc.

I think the provision of Section 4 has no reference to meters bought, paid for and placed by the property owners. It may be quite true, as suggested by the Chief of the Bureau of Water, that the intention of Councils was “that the meter should be to the fullest extent under the jurisdiction of the City in order that its type and condition should be such as to properly measure the amount of water upon which the revenue of the City depends.” It by no means follows, however, that the meter purchased by the owner of the property is to be actually owned by the City, and I believe the contrary to be the case.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 20, 1913.**Requirements for Qualifications of a Lawful Measurer.*

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of the 17th inst., enclosing an inquiry from the Chief of the Bureau of Health “as to the requirements for and credentials necessary for qualification for lawful measurer.”

The subject is governed by the Act of March 18, 1868 (P. L. 351), of which I herewith enclose a copy. It will be seen therefrom that the requirements and qualifications of a lawful measurer are that he shall be a member of the Bricklayers' Company of this City, and I would assume the necessary credentials to be a certificate of such membership.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 20, 1913.**Boiler Inspection Fees; Additional Insurance Without Extra Charge.*

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your letter of the 18th inst., enclosing a communication to yourself from the Chief Inspector of Boilers, and correspondence between

that official and the agents for the Hartford Steam Boiler Inspection and Insurance Company, in reference to the right of a boiler insurance company to issue policies without extra charge covering certain appliances, such as feed water heaters, tanks, economizers and steam piping, in the insurance written by them.

The Act of March 11, 1891 (P. L. 5), Article 3, Section 2, makes invalid a policy of this kind "unless the premium upon such policy, including the fee paid the City Inspector, as hereinafter provided for, shall be equal to or exceed in amount one and one-half times the charge prescribed by the City ordinance for the inspection of steam boilers."

By Section 14 of the ordinance of July 13, 1868 (page 333), the charges for the inspection of boilers are fixed at the sum of three (3) dollars for each boiler inspected and twenty (20) cents for each square foot of grate surface.

I understand the inquiry to be whether, in the same policy which covers the insurance of the boiler, and without any charge additional to that prescribed by the Act of 1891, taken in connection with the ordinance of 1868, the appliances in question may also be insured.

I do not think the Act contemplates the including of any other insurance for the fee fixed, to wit, one and one-half times the inspection charge, except that for the boilers themselves, and if the insurance of other apparatus or appliances might be thus included in the policy, without extra charge, a ready means for the evasion of the statute would thus be made available.

I am of opinion, therefore, that the Chief Inspector of Boilers was correct in holding that, in accordance with the terms of the Act, this cannot be done.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 20, 1913.**Payment for Grading of Ashdale and Fourth Streets.*

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I have received a letter from the Chief of the Bureau of Highways and Street Cleaning, approved by the Assistant Director of your Department, with respect to the grading of Ashdale street, from Second to Fourth street, and of Fourth street, from Rockland to Ruscomb street.

It appears that the grading of the former street will require a fill of about a sufficient quantity to equal the cut in both of the streets mentioned, which are within six blocks of each other.

The ordinance for the grading of Fourth street was passed on July 25, 1911 (Ordinances, page 292), and the appropriation for the purpose is stated to be insufficient, because (I infer) it has been used to pay for the grading of the other streets specified in that ordinance.

The ordinance for the grading of Ashdale street is one which was approved June 5, 1913, and which authorizes the grading of a large number of streets to be paid for out of Item 130, \$7,000,000 loan. It provides that:

“In all cases where the material required to excavate or fill any legally opened streets within six blocks of the streets herein authorized to be graded can be interchangeably used, the Director of the Department of Public Works shall advertise for and award the contract so that the same shall be embodied in one and the same contract.”

The Chief of the Bureau states that under the appropriation of the last named ordinance there is plenty of money available, and he inquires whether a contract for the grading of both of the streets in question may be

entered into to be paid for out of the item to which the appropriation was made by such ordinance of 1913.

In my opinion, the streets within six blocks of each other, to which the ordinance refers, are not confined to streets specifically mentioned therein, but that, on the contrary, the language relates to "any legally opened streets within six blocks of the streets herein authorized to be graded," and that, therefore, in the circumstances stated, a contract for the grading of both Ashdale and Fourth streets, in the localities named, to be paid for out of the appropriation of 1913, would be duly authorized.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 21, 1913.

In re Disposition of Rooms 190-192 and 194, City Hall.

To the Presidents and Members of the Select and
Common Councils of the City of Philadelphia.

GENTLEMEN:—I have received from the Clerk of your Honorable Bodies a certified copy of a resolution passed on the 20th day of November, 1913, requesting me to take such legal action as in my judgment may seem proper to compel the Departments of Public Works and Public Safety to vacate Rooms Nos. 190, 192 and 194, City Hall. The preamble to said resolution contains a reference to a former resolution, adopted October 23d last, requesting these Departments to vacate the said rooms by the 15th of this month, and assigning them to the Board of Mercantile Appraisers.

On May 15th of this year I expressed the opinion to the Committee on Finance of your Honorable Bodies, that the ultimate control and disposition of the rooms in City Hall rested in the legislative branch of the municipal

government. In this, however, I presumed that the appropriate legislative procedure would be adopted whenever you deemed it advisable to direct the allotment of rooms in the building.

In the absence of an expression of the will of the municipality by the lawful and regular action of Councils, the control of space in the Public Buildings rests in the hands of the executive officers of the City, and before any action is feasible to enforce the request contained in the resolution of October 23d, the question should be carefully considered as to the nature of that resolution as a lawful exercise of the power to control the disposition and allotment of the rooms. Such power, I believe, should be exercised by a joint resolution, to be forwarded to the Mayor for his approval, and either signed by him or passed over his veto. The subject matter of such a resolution affects the disposition and tenancy of the real estate belonging to the municipality, and to be binding upon the heads of departments and others interested or concerned in its provisions, it should, I think, be approved by the Chief Executive, or made a law without his approval in the manner prescribed by statute.

The resolution of October 23, 1913, is, in addition, merely one of request. Its terms are not mandatory upon the heads of the departments mentioned in it and would scarcely be held to have the imperative effect of a law.

If the resolution were free from these objections, however, it would remain to be considered whether legal action to enforce obedience to it could be taken by one branch of the City's government against another. Leaving out of view the possible remedies to be invoked by those to whom the rooms have been allotted in the resolution, I think your standing in legal proceedings for the purpose suggested would be open to serious question.

If a resolution of the mandatory character already referred to be passed in the manner suggested, it is not to be presumed that the heads of the executive departments would disobey it. Should they do so, however, you have in your Honorable Bodies, in various ways, including your control of the appropriations, ample powers to coerce recalcitrant City officials.

I would, therefore, respectfully suggest the necessity for the adoption of a resolution in clear and unequivocal language, requiring the vacation of these rooms, which should be submitted in the regular way to the Chief Executive of the City for his approval or disapproval, and if such resolution should be passed in any way of the methods provided by law, and should then be disregarded, it would be appropriate to exercise such of the powers vested in Councils as may be deemed judicious, to compel obedience to your lawfully expressed directions—for the powers of the Courts should only be invoked in such matters as a last resort.

Yours very truly,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 22, 1913.

Inability of Sax & Abbott to Complete Contract at Byberry Farms.

JOSEPH S. NEFF, M. D.,
Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of this date, transmitting one to yourself from Messrs. Sax & Abbott, in which they notify you of their inability to proceed with the contract for the construction of the dining room and kitchen, Building 'B' and laundry, Building "B" and all other construction work now under way at the Philadelphia Institution for the Feeble-Minded at Byberry Farms, in accordance with the contract between that firm and the City of Philadelphia dated May 29, 1913.

I think you should send a copy of the letter of Messrs. Sax & Abbott to the sureties on their bond, with a letter from you to the latter of which I enclose a form.

Yours very truly,
MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 24, 1913.**Suit Against Contractor for Damages to Private Property
—Home for Training in Speech of Deaf Children.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Water, enclosing a communication to himself from the attorney for the Home for Training in Speech of Deaf Children, situated at Belmont and Monument avenues. The matter relates to damages alleged to have been sustained by that institution from the negligent execution of Contract No. 194 for laying cast iron pipe lines in West Philadelphia for that Bureau. Notice is given in said letter to the Chief of the Bureau of a number of items of damage by reason of the negligent manner in which the contract is being done, that is to say, in piling dirt against the wall of the property, in some instances to such a height that the dirt falls upon it; in failing to properly box and protect the trees which in consequence have become smothered and injured; in destroying the turf, etc. The writer promises to send an itemized statement of the damage to the Chief of the Bureau, and gives formal notice of his purpose to bring suit against the contractor, John McMenamy, and warning the former to "make no distribution to him of any moneys to which he is entitled, until such time as I advise you that the contractor has settled and satisfied our claim."

When the itemized statement of damages claimed shall be furnished as promised, I would recommend that a sufficient amount be retained from the payment to the contractor to cover the claim, in accordance with Clause I and m, General Provisions, page 23, of the specifications. These provide for the retention of a sufficient sum to indemnify the City and the Director and his assistants from

all suits for damages, and while at present suit is threatened only against the contractor, yet it is by no means impossible that litigation against the City may result from the occurrences.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 24, 1913.

Bid for Street Lighting for 1914—Welsbach Lighting Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 24th inst., with respect to the bid of the Welsbach Street Lighting Company of America of \$32.00 per lamp per year for the 20,000 gasoline lamps which will be required to be maintained during the year 1914. I recognize the difficulties under which you labor in either accepting this bid, which you characterize as exorbitant, or in rejecting it and readvertising, with the possibility there there may be no response and that the City may thus be left without the lighting facilities imperatively needed upon its highways and other public places. The problem, however, is one that you will be obliged to resolve in accordance with your own best business judgment in the situation presented.

You inquire:

“Whether, in the event of the setting aside of the present bid, a readvertisement, and a subsequent failure on the part of the Welsbach Street Lighting Company of America to bid, the City would, under its police power or otherwise, have the right to temporarily or permanently take possession of the tops.

which are the property of the contracting company, and operate this lighting service pending the making of arrangements for its continuance."

I cannot see my way clear to advise you that the City would have the power to take possession of the lamps belonging to the Company in the manner suggested. On the contrary, I think the City would be without that right.

The emergency which would arise in the case supposed would not, I fear, be such as to justify the City in resorting to such a measure on the ground of imperative necessity, which alone might possibly excuse the proceeding as to which you inquire. The question which would arise if this were done would ultimately be one concerning the proper amount to be paid by the City for the use of the lamps, and on such question I am of opinion that the municipality would not be sustained in attempting to employ the extraordinary power to which you refer.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 26, 1913.

Newly Elected Magistrates; Location of Courts, Terms of Office, Etc.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of a letter from Cyrus D. Foss, Jr., Esq., your Secretary, stating that you understand the law to require that the seven newly elected Magistrates shall appear before you and select the location of their several Courts after drawing lots, and inquiring when the term of office of such Magistrates be-

gins; whether on the first Monday of December, 1913, or the first Monday of January, 1914; and whether it is essential that they should appear before you in person or whether you can designate some person to act in your place on that occasion.

Section 5 of the Act of February 5, 1875 (P. L. 57) provides, with respect to the twenty-four Magistrates' Courts established by that Act, that

“After the City Councils have located the said Courts by numbers, and before said Magistrates shall enter upon the discharge of their duties, they shall assemble in the presence of the Mayor of the City of Philadelphia, and draw lots in the order of the alphabetical rotation of their surnames for the right to choose which of the Courts so located shall be held by each, and when they shall have all drawn lots the Magistrate who shall have the first choice shall choose from the whole number of Courts which Court he desires to select as his Court, and the number and location of the Court chosen by him shall be the Court which he shall hold until the expiration of his term of office. After the Magistrate having the first choice shall have selected his Court, the Magistrate having the second choice shall proceed to select his Court in the same manner, and so on until all the Magistrates shall have selected their Courts in the order of the lots drawn by them.”

Other Magistrates were provided for by later legislation as the population of the City was found to require them, and by Act of February 1, 1887, it is provided that the additional Magistrates “shall draw lots for their Courts with the other Magistrates elected upon the same ticket at the same time.” I think the drawing provided for by the latter act is intended to be of the same character as that which the Act of 1875 prescribes in the case of the twenty-four Magistrates' Courts originally created. That drawing, it is seen, requires that the Magistrates “shall assemble in the presence of the Mayor of the City of Philadelphia and draw lots in the order of the alpha-

betical rotation of their surnames." The direction of the statute is, therefore, that the drawing shall be in the presence of the Mayor. The matter of the drawing of the Courts by the Magistrates has been the subject of litigation in the cases of *Commonwealth vs. Thompson*, 11 W. N. C., 63, and *Rogers vs. Ashbridge*, 9 D. R., 195, in the latter of which cases the Court, per Sulzberger, J., in speaking of the duties of the Mayor in this connection, said:

"His sole function is to be present. He had no right and no power to compel the attendance of the delinquent Magistrates; he had no right and no power to limit the number of persons who desired to draw."

From this it may be inferred that the Mayor's proper attitude at the drawing should be strictly passive, nevertheless the statute directs the drawing—or at least the assembling for that purpose—to be in the presence of the Mayor, and in view of this distinct requirement I do not think that the act in that particular is to be regarded as merely directory.

I would therefore advise you that it is essential that the Magistrates-elect should appear before you in person in order that the drawing may be made in accordance with legal requirements.

As to the time of the beginning of the terms of these Magistrates, the length of their terms was originally provided for by Article V, Section 12, of the Constitution of 1874 under which they were fixed at five years. This was changed by the amendment adopted in 1909 to six years. The schedule to the amendments of that date provided in part as follows:

"That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared that * * in the year one thousand nine hundred and ten the municipal election shall be held on the third Tuesday of February as heretofore * * All Justices of the Peace, Magistrates and Aldermen chosen at that election shall serve until

the first Monday of December in the year one thousand nine hundred and fifteen. After the year one thousand nine hundred and ten and until the Legislature shall otherwise provide the terms of City, ward, borough, township and election division officers shall begin on the first Monday of December in an odd numbered year."

By Act of March 2, 1911 (P. L. 8), Section 5, the Legislature provided that:

"The terms of all public officers elected in odd numbered years shall hereafter begin on the first Monday of January succeeding their election, instead of the first Monday of December as prescribed in the schedule to the amendments to the Constitution, adopted November second, one thousand nine hundred and nine."

It was held in Cahill's Petition, 110 Pa. 167, and subsequent decisions, that the provisions of the Constitution respecting Magistrates were not self-executing and that legislation was necessary to carry them into effect. Practical matters relating to details in the establishment of the office of Magistrates are thus left to the discretion of the Legislature. The location of their offices, to a limited extent their jurisdiction, and various subordinate questions, including the time when their terms of office shall begin, are, I believe, clearly within the power of the Legislature to prescribe. The schedule to the amendments adopted in 1909 provides when the term of office of Magistrates elected in certain years shall terminate, and in this particular it is clear that the Legislature is without power to extend the terms of those officials, the matter having been distinctly and positively fixed by the Constitutional schedule (*Commonwealth vs. McAfee*, 232 Pa. 36). The terms of these particular Magistrates will therefore expire at the time so designated, to wit, on the first Monday of December, 1915, and not on the first Monday of January, 1916.

In the Constitutional amendments of 1909 no specific

provision was made as to the date on which the terms of Magistrates elected in other years shall either end or begin, and I do not find any Constitutional provision or legislation conflicting with the provisions of the Act of 1911. The Constitution being silent upon this particular phase of the subject, and it being within the power of the Legislature to fix the time from which the terms of Magistrates shall begin, I am of the opinion that the provisions of Section 5 of the Act of March 2, 1911, are constitutional and valid, and that in accordance with the language of that section, providing that "the terms of all public officers elected in odd numbered years shall hereafter begin on the first Monday of January succeeding their election," the Magistrates-elect will take office on Monday, January 5, 1914.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 28, 1913.

In re Curved Tracks at Fifteenth and Sixteenth and Arch Streets.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am this day in receipt of a letter from the Chief Engineer of the Bureau of Surveys, dated November 22, 1913, and approved by you, in reference to the application of the Philadelphia Rapid Transit Company for the approval of certain plans for curved tracks at Fifteenth and Arch streets and Sixteenth and Arch streets.

The Chief Engineer states that the Company claims the right to lay said tracks under authority of the Act of April 8, 1859 (authorizing the Thirteenth and Fif-

teenth Streets Passenger Railway Company to lay tracks on Thirteenth and Fifteenth streets), and the Act of February 10, 1869 (authorizing the Empire Passenger Railway Company to lay tracks on Twelfth and Sixteenth streets). Copies of blue prints showing the location of the proposed curves are enclosed with the letter.

The Board of Surveyors desires to be informed "whether the authority above quoted is sufficient to warrant it in approving the plans without legislation by Councils."

The acts referred to do not appear to confer authority to lay the proposed tracks.

The Act of April 8, 1859 (P. L. 429), is "An Act to incorporate the Thirteenth and Fifteenth Streets Passenger Railway Company of the City of Philadelphia" and authorizes the corporation

"to lay out and construct a railway from the intersection of Carpenter and Thirteenth streets; thence north along said Thirteenth street to Columbia avenue; thence west along said Columbia avenue to Fifteenth street; thence south along said Fifteenth street to Carpenter street; thence east along said Carpenter street to the place of beginning; and with power also to lay out and construct a railway from the intersection of Fifteenth street and Columbia avenue to Ridge avenue, and from Ridge avenue along Master street to Fifteenth street, for the purpose of making connection with any company now authorized, or that may be hereafter authorized to construct a railway on said Ridge avenue."

Section 10 of said act provides:

"That for the purpose of completing their circuit it shall be lawful for any other passenger railway company within the City of Philadelphia using the same motive power as is or may be hereafter used upon the road of the company hereby incorporated, to connect with the road of said company and run their cars upon the same or any portion thereof, upon terms to be agreed upon by said parties interested;

and if the said parties cannot agree, then the District Court of the City of Philadelphia shall, upon petition presented by either party, appoint three persons who shall fix the amount to be paid to the parties owning said road; And provided, that for the purpose of completing their circuit on the route hereby authorized, and on no other route, the said company hereby incorporated shall have the right to run their cars upon any other passenger railway now incorporated or that may hereafter be incorporated in said City of Philadelphia, upon such terms as are above provided for in the case of any other passenger railway company using the road of the company hereby incorporated."

Any power that may seem to be given to the company under Section 10, is expressly granted "*for the purpose of completing their circuit on the route hereby authorized, and on no other route,*" and this section would not, therefore, authorize a curve to be placed for the purpose of connecting the railway tracks on Fifteenth street with those on Arch street, which is not on the "route authorized" by the charter.

The Act of February 10, 1869 (P. L. 130), is an act "to incorporate the Empire Passenger Railway Company of Philadelphia," and it authorizes the corporation thereby created to lay out and construct a railway in the City of Philadelphia

"along such route and streets as are hereinafter provided for, namely: Beginning at or near the intersection of Wharton and Twelfth streets; thence with a single track and such turn-outs as may be necessary, along Twelfth street to Columbia avenue; thence along Columbia avenue to Sixteenth street; thence along Sixteenth street to Wharton street; thence along Wharton street to the place of beginning, with the right to begin said railway along Twelfth and Sixteenth streets, north and south, as the same may be from time to time opened and may be deemed advantageous to the public; and they shall have the

right to use any streets north of Columbia avenue and south of Wharton street in order to complete their road and make such circuits as may be necessary."

Section 9 of this act gives the company the right "to connect their railway with that of any other passenger railway for the purpose of completing the route or making a circuit, upon such terms and conditions as may be agreed upon," etc. This section does not authorize the laying of any curve, except, perhaps, "for the purpose of completing the route or making a circuit," and, as Arch street is not upon the route or circuit authorized in the charter, this section would not be authority for the curves proposed.

As was said by City Solicitor Kinsey, in an opinion to the Chief Engineer, Bureau of Surveys, relating to a similar application for a curve at Nineteenth and Market streets:

"The Board of Surveyors are justified in refusing to approve of a plan for a railway, unless *prima facie* authority is shown to construct the track. The Act of 1868 does not appear to confer authority to make the connection contemplated, at the north-east corner of Nineteenth and Market streets. Under the Act of May 15, 1895 (P. L. 65), such connection could probably be made, but the consent of Councils must first be obtained."

I am, therefore, of opinion that neither of the Acts referred to gives a right to the Company to lay the proposed curves without the authority of an ordinance of Councils.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, November 28, 1913.**Interpretation of Act as to Open Space Between Tenements.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of the letter of the 20th inst., of the Chief of the Bureau of Building Inspection, approved by you, requesting an opinion whether the Act of July 22, 1913, applies to a space between the wing of a tenement house and the wing of a private dwelling. The provisions of the Act are as follows:

“No court or open space between tenements or between wings of a tenement shall be of a less width than twelve feet, except in buildings erected prior to June 7, 1895, and which are not over three stories in height; where the open space between the walls of the wings of tenements there shall be an open space not less than five feet in width, providing the length of such wing or wings is not more than thirty feet.” etc.

I do not think the expression “between tenements or between wings of a tenement” can be construed as relating to the space between the wing of a tenement and a private dwelling, for to be between tenements or between the wings of a tenement, either tenements or the wings of tenements should be on both sides of the space.

With respect to the suggestion of the Chief of the Bureau that the Act would be violated should the private house be converted into a tenement, the law is to be interpreted in its relation to present conditions, and if the statute be not violated at the present time no inference of such violation through a possible future change in the conditions would constitute a sufficient reason to refuse the permit now applied for.

As requested, I return herewith the letter of the applicant to the Chief of the Bureau of Building Inspection.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 29, 1913.

*Right of City to Require U. G. I. Co. to Connect with
Gasoline Lamps.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 25th inst., with respect to the right of the City to require the United Gas Improvement Company, under its lease of the Gas Works from the municipality, to extend its mains where necessary and connect them with the lamp posts which are now used to support gasoline lamps. You state that:

“Up to the beginning of the present administration the United Gas Improvement Company has not sold any gas to the City. There were at that time approximately 700 gasoline lights along the lines of gas mains. We made a demand that the U. G. I. Co. connect these up, and, after some months of negotiations, they agreed to do so. * * * Judging from current quotations in other parts of the country the City would save approximately \$10 a lamp per year if we could have them supplied with gas instead of gasoline. It is probable that 12,000 lamps, at least, of the 20,000 are within reasonable range of existing gas mains, and that if these could be connected up the City would save approximately \$100,000 a year. In addition to this it would open up possibilities of competition which do not now obtain. * * * It

is further provided that wherever there shall be a consumer for every 100 feet the extension of the gas mains is made imperative. There are plenty of private consumers using less gas in a year than will one gas post."

You inquire:

"Whether, under any of the provisions of the gas lease, we can make a demand on the United Gas Improvement Company that they shall connect up any or all of these gasoline posts, and if there is a right on our part to have these posts connected with the gas mains, what are the considerations which control the matter."

The subject is governed by Clause 8 of the lease between the City and the United Gas Improvement Company embodied in the ordinance of November 12, 1897 (page 227). So much of that clause as relates to the subject matter of your inquiry is as follows (pages 239-40):

"The United Gas Improvement Company agrees for itself, its successors and assigns, that it shall and will, within three (3) years from the date of the delivery to it of the said gas works, expend in the alteration, improvement, extension and betterment of the manufacturing and distributive system, and mains, services, meters, connections and appurtenances of said gas works referred to in this ordinance, at least five million (5,000,000) dollars, and thereafter in each year during the continuance of this contract expend such sums of money as may be needed from time to time to extend the same to provide for the growth of the business so as to supply gas wherever it may be demanded, in accordance with the terms, provisions and conditions of this clause of the lease. It is estimated that the total of such expenditures will be at least fifteen million (15,000,000) dollars, and the said The United Gas Improvement Company hereby agrees and binds itself, its successors and assigns, that it shall and will expend said sum of fifteen million (15,000,000) dollars during said period of thirty (30) years, and that it shall and will also expend all

such other amounts over the above fifteen million (15,000,000) dollars which may be required for the purposes stated above. The said The United Gas Improvement Company, its successors and assigns, shall extend the pipes and mains for the distribution of gas on such highways, streets, avenues, alleys, ways and public places as may be necessary to meet the demand for gas, provided that at least one (1) consumer for every one hundred (100) feet of the extension of mains or pipe so made necessary shall first, in writing, agree to take gas from the said The United Gas Improvement Company, its successors and assigns, for a period of not less than one (1) year at the general rates for gas then in force; or, in lieu of a consumer so contracting for each and every single building fitted with gas pipes, and for which application for the introduction of gas shall be made, such extension of one hundred (100) feet of mains or pipes so made necessary shall be made accordingly: *Provided further, however,* In no case shall said company, its successors and assigns, be required to lay any pipes while frost is in the ground. The laying or extension of pipes and mains for the distribution of gas shall be at the expense of the lessee and not chargeable to the consumer.

Said The United Gas Improvement Company, its successors and assigns, shall at its own expense lay and furnish connecting or service pipes from the mains or distributing pipes to the inside of the consumer's property line, and furnish and set the necessary meters (for which no charge or rental shall be made), and shall also at its own expense furnish and place a shut-off or stop-cock inside of the curb line whenever it desires to place the same."

It is seen from the language used that the gas company agrees to expend at least the sum of \$15,000,000 during the period of the lease, and so much more as may be necessary to extend the manufacturing and distributive system of the gas works, to provide for the growth of the business so as to supply gas wherever it may be demanded,

in accordance with the terms, provisions and conditions of that clause. The sum of \$15,000,000 so fixed is a minimum sum, and there is no maximum beyond which the gas company need not go in expending money to supply the needs of the consumers under the terms of the lease. It is further provided (and the "terms, provisions and conditions of this clause of the lease," in my judgment, refer to this requirement) that the company and its successors, etc.,

"shall extend the pipes and mains for the distribution of gas on such highways, streets, avenues, alleys, ways and public places as may be necessary to meet the demand for gas, provided that at least one (1) consumer for every one hundred (100) feet of the extension of mains or pipes so made necessary shall first, in writing, agree to take gas from the said The United Gas Improvement Company, its successors and assigns, for a period of not less than one (1) year at the general rates for gas then in force; or, in lieu of a consumer so contracting for each and every single building fitted with gas pipes, and for which application for the introduction of gas shall be made, such extension of one hundred (100) feet of mains or pipes so made necessary shall be made accordingly."

Under these terms and conditions the City of Philadelphia is entitled to the same treatment as any other consumer of gas. By other clauses of the lease it is required to be supplied gratuitously for the lighting of its public buildings and for street gas lamps to the number existing in the City at the time the lease went into effect, with an annual increase of 300 lamps during the continuance of the lease. Beyond this right of the City to have the stipulated supply of gas free of charge, it is entitled, as any other gas user would be, to be supplied by the company at the rate of charge provided in the lease upon compliance with the terms and stipulations thereof.

I do not think that a gas lamp or gas lamps would take the place of a "building fitted with gas pipes" so as to enable the City to demand the extension of mains under the provision of the lease which relates to such buildings.

I do think, however, that the City may properly be considered a consumer of gas in the sense that if it shall make application and agree in writing to take gas from the company for a period of not less than one year, at the general rate for gas then in force, it would have the right to require the lessee to extend its mains or pipes 100 feet for each structure, which is the medium of consumption and which is the fair equivalent of one consumer. Whether one street gas lamp, or how many of them, may properly be so considered is necessarily a question of fact as to which there may be differences of opinion. I note, however, your statement on this subject that "there are plenty of private consumers using less gas in a year than will one gas post." As to those lamp posts which are already upon the line of the mains, I think there is no doubt that the company may be required to connect them with such mains.

I would, however, call your attention to the proviso to the effect that the company may not be required to lay any pipes while frost is in the ground. This, together with the lateness of the season, will, I fear, prevent a disposition of the legal questions which may be involved in time to make it possible to procure the laying of the mains so as to substitute illumination by gas for that by means of gasoline lamps at the beginning of the year, should the company refuse to extend them voluntarily.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, November 29, 1913.

*As to Payments by Philadelphia Rapid Transit Company
Under Agreement Dated May 24, 1906.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by you,

dated November 17th, but received on the 28th of that month, asking the opinion of this Department as to the agreement of the Philadelphia Rapid Transit Company with the City, dated May 24, 1906, in which the company, in consideration of an extension of time for the completion of the Market Street Subway and Elevated Railroad, agreed to pay to the City the sum of four hundred thousand (\$400,000) dollars on account of the abolition of the grade crossings along the line of the Philadelphia and Reading Railway; and also with regard to the right of the Philadelphia Rapid Transit Company to have the expenses to which it has been put on account of changes of street grades made necessary to carry out the work of abolishing grade crossings, considered as an offset to the payments to be made under its obligation to the City as set forth in said agreement.

The agreement in question was executed in pursuance of an ordinance approved March 28, 1906, page 42, which extended the time for the completion of the route from Sixty-third and Market streets to Delaware avenue and South street, as limited by the ordinance of June 1, 1903, for the period of three years from June 1, 1906, in consideration whereof the second section of the ordinance required that the Philadelphia Rapid Transit Company, lessee of the Market Street Passenger Railway Company, should enter into a contract with the City, with security to be approved by the Mayor, conditioned upon the payment of the sum of \$400,000 to the City on account of the abolition of grade crossings where the streets of the City are crossed at grade by steam railroads operated by the Philadelphia and Reading Railroad "and now under discussion," the said bond to provide for the payment of that sum in monthly installments as the work of removing the grade crossings should progress.

In accordance with the provisions of the said ordinance, a contract and bond with surety was entered into on May 24, 1906, between the City and the Philadelphia Rapid Transit Company, with the American Surety Company of New York as surety, in which those companies obligated themselves to pay the sum of \$400,000 to the City in monthly installments of ten per cent. of the

amount of the City's payments toward the cost of the work of abolishing the said grade crossings, until the said sum of \$400,000 should be paid, said payments to be based upon the estimates and findings of the Chief Engineer and Surveyor of the City of Philadelphia. In accordance with said agreement, the company made payments monthly to the City up to and including the month of March, 1911, amounting in all to \$247,910.28. Thenceforward, however, beginning with April, 1911, the monthly bills, showing the amount payable by the Rapid Transit Company to the City, which were rendered to that company, have not been paid, the Transit Company claiming that it is entitled to setoff against the payments stipulated by said contract to be made the cost and expenses to which it has been and will continue to be put on account of the changes of street grades made necessary by the work of abolishing the grade crossings, and asking that the City consider these expenses as an offset to further payments on account of the company's obligation to pay to the City the said sum of \$400,000 in accordance with its agreement of May 24, 1906. The amount which, up to the present time, is the subject of bills so rendered to the Rapid Transit Company and which bills remain unpaid is \$96,193.20. The 14th section of the ordinance of July 1, 1907, page 153, providing for the contract between that company and the City, under which their present relations exist, especially and in terms excepted the agreement of 1906 in superseding and cancelling other agreements between the parties.

I am of opinion that the agreement referred to exists unimpaired and in full force, and that the Philadelphia Rapid Transit Company has not the right to have the expenses to which it has been or may be put on account of the changes of street grades made necessary to carry out the work of abolishing grade crossings, considered as an offset to the payments to be made under its obligation to the City by virtue of that agreement; and further, that the City and its officials should not consent or accede to such claim.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 1, 1913.

Repairs to Meadow Banks South of Oregon Avenue.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I have a letter of the Chief of the Bureau of Highways and Street Cleaning, approved by you, dated November 12th, and received in this Department November 28, 1913. It concerns the meadow banks south of Oregon avenue, between the Delaware and Schuylkill rivers, and states reasons which make it highly imperative that repairs to these banks be proceeded with immediately.

It appears that there is no appropriation specifically covering this work which prior to 1911 was done "under the day's labor contract for repairs to bridges and for emergencies," that repairs to bridges are now made by municipal employees equipped to handle this work, and the inquiry is, in view of the pressing emergency, **whether** these laborers may not be detailed to make the repairs which are necessary to keep the meadow banks in proper condition; or whether "if this is not feasible, to inquire if we could have the same employes do the work and when completed request Councils by ordinance to reimburse these items for the actual amount expended in making repairs."

I think you would be authorized in the circumstances to direct the work to be done and charge it against the funds now available in the item for repairs to bridges, and when completed, if it is found necessary, Councils should be requested to make the necessary disposition of funds to reimburse the depleted items.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 2, 1913.**In re Delivery of Papers Belonging to Wm. C. Cranmer.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief Engineer of the Bureau of Surveys, approved by the Assistant Director of your Department, from which it appears that one of the District Surveyors who has been stricken with apoplexy has executed a Power of Attorney to the Pennsylvania Company for Insurance on Lives and Granting Annuities, among other things to:

“demand, sue for, recover and receive and hold all certificates of stock, municipal, corporate and individual bonds and mortgages, title papers, policies of fire insurance and of life insurance, and all other valuable papers whatsoever now belonging to me or to which I may become hereafter entitled from such party or parties, corporation or corporations as may have the same in their possession”

which power has been duly executed and acknowledged before a Notary Public; that at the time he was stricken, a package of private papers was deposited in the fireproof safe in his district and have since remained there, among which are a number of bonds probably negotiable; that such papers are now in the possession of the District Surveyor's principal assistant, on whom demand has been made by the Pennsylvania Company for their delivery.

I have examined the copy of the Power of Attorney which accompanies the communication and am of opinion that it is in proper form and is sufficient authority for the surrender of the papers in question to that company, which surrender should therefore be made in compliance with the demand therefor.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 2, 1913.**Claim for Water Pipe Frontage.*

MR. C. E. DAVIS,

Chief of the Bureau of Water.

DEAR SIR:—I am in receipt of yours of the 24th ult., in regard to a claim for water pipe frontage, returned by you to the City Solicitor for collection after a search clerk in your Department had, by mistake, issued a clear search on the property, requesting an opinion as to the validity of the claim.

As the question presented is involved in considerable doubt, I have taken the liberty to send to your Department for additional data, and am informed by Mr. Carlin that the property had been conveyed in 1907 in reliance upon the search; that the property is now being conveyed again, and a new search has revealed the error previously made. It also appears that permits for water connections were issued in 1887, and that the only question is whether the City can sustain the liens filed in 1907 under the above circumstances.

As a general proposition, I am of opinion that the City is bound by a certificate or search issued by its officers under authority of statute or ordinance for a prescribed fee; and where a clear search is erroneously issued, and a person in good faith has acted in reliance thereon, the City is estopped from asserting a lien for unpaid claim. In this case, however, the City has already filed its claims against the property in question, and it would require an order of Court to strike them from the docket.

I would, therefore, suggest that unless an amicable adjustment of the matter can be reached with the owner of the property, he be left to take such action in the premises as he may see fit.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 3, 1913.

In re Gasoline Lighting.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your inquiry of the 28th inst., whether the subject of gasoline lighting comes within the field of the new Utilities Commission, and if so, what is the proceeding to be followed in bringing this matter to their attention for the purpose of review.

The Public Service Company law of July 26, 1913, is limited in its control to "Public Service Companies," which are enumerated in Section 1, of Article 1, as follows:

"The term 'Public Service Company,' when used in this Act, includes all railroad corporations, canal corporations, street railway corporations, stage line corporations, express corporations, baggage transfer corporations, pipe line corporations, ferry corporations, common carriers, Pullman car corporations, dining car corporations, tunnel corporations, turnpike corporations, bridge corporations, wharf corporations, incline plane corporations, grain elevator corporations, telegraph corporations, telephone corporations, natural gas corporations, artificial gas corporations, electric corporations, water corporations, water-power corporations, heat corporations, refrigerating corporations, sewage corporations, doing business within this State, and also all persons engaged for profit in the same kind of business within this Commonwealth."

Of the foregoing, "artificial gas corporations" alone could possibly be assimilated to a company furnishing gasoline lamps for the illumination of the City streets, and I think it exceedingly doubtful whether those corporations would be held to include such a company.

I am not familiar with the charter powers of the Gaso-

line Company to which you refer, this answer to your query being predicated upon the business in which it is here engaged—that is, the supplying and maintenance of gasoline street lights.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 5, 1913.

*Effect of Recent Acts on Earlier Legislation in Regard
to Fire Escapes.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter of the 1st instant from the Fire Marshal, approved by you, with respect to the effect of the recent Acts, Nos. 190 and 428, on the earlier legislation in regard to fire escapes. I do not think Act No. 190 has any relevancy to the subject of your inquiry, but the new Housing Commission Bill No. 428, approved July 22, 1913, in Section 36, provides that:

“No buildings of any of the grade referred to in this Act (that is, tenement houses, lodging houses and two-family dwelling houses) shall be used for human habitation unless it is equipped with a fire escape or fire escapes as required by law: *Provided*, That any building of such grades having less than four stories and used as a rooming house or tenement, the third story of which shall contain not more than five rooms and a bath room, and such third story is not occupied by more than ten persons and has at least one stairway therefrom, shall be exempt from the provisions of the Acts of Assembly requiring fire towers and outside fire escapes for such buildings.

if every apartment in any of said buildings shall be equipped with a satisfactory wire, chain or other safe fire escape."

The Fire Marshal states that your Department has "been actuated in ruling on three-and-a-half or four-story buildings of small dimensions, that is, less than what is stipulated above for the third floor, and where the owner will agree to abandon the fourth or upper story, to not require a fire escape," and inquiring as to the correctness of this ruling.

I think this would depend upon what is meant by the abandonment of the fourth or upper story. If the interior construction is so modified that the fourth story, or the attic which takes its place in a three-and-a-half story building, is made totally inaccessible as by the removal of the staircase above the third floor and the sealing up of the opening thereto by plastering, it would seem that for all practical purposes the building is made "one having less than four stories," and your Department would probably be justified in so regarding it.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 8, 1913.

*Retained Percentage, Contract No. 112—Richmond
Branch Elevated.*

MORRIS L. COOKE, Esq.,
Director, Department of Public Works.

DEAR SIR:—I have the letters of the Chief Engineer of the Bureau of Surveys of the 1st and 5th insts., approved by the Assistant Director of your Department, in reference to the application for the present payment of

\$18,000 retained percentage by James D. Dorney, a contractor with the City, under contract dated December 29, 1910, for the grading, paving, repaving, etc., of Lehigh avenue and other streets affected by the change of grade appurtenant to the abolition of grade crossings on the Richmond Branch of the Philadelphia and Reading Railway, between Somerset street and Richmond street. This contract was entered into under authority of ordinance of October 13, 1906, providing for the abolition of those and other grade crossings at the joint expense of the City and the railway company. The contract is at unit prices with a limitation of \$315,000. By Sections 48 and 50 of the specifications, payments on current estimates of 90 per cent. of the amount due are provided for, with a provision as to final payment as follows: "After the work embraced with this contract has been completed in accordance with these specifications the balance due the contractor after all legal and equitable deductions shall be paid him, upon the acceptance and approval of the Director."

Under other terms of the contract the contractor is required to and did furnish a bond in the amount of 50 per cent. of the contract for the faithful execution of the work, the National Surety Company of New York becoming his surety.

It appears that payments have been made as the work progressed, amounting to \$200,309.90, the amount of retained percentage being \$22,256.66, and the work yet to be done amounting to about \$45,000; that "during the execution of the work the contractor has been considerably delayed by the contractors having contracts with the Philadelphia and Reading Railway Company for the construction of bridge abutments, retaining walls, column footings and the superstructures of the bridges over Aramingo avenue, Belgrade street and Thompson street, and especially has he been delayed by the contractors for the bridge over Aramingo avenue, which bridge carried 34 railroad tracks. On account of this delay and owing to winter weather the work on Mr. Dorney's contract cannot be completed until spring. On account of this delay the City contractor, Mr. James D. Dorney, asks the Department

to include in the next monthly estimate due him a part of the retained percentage."

In his letter of the 5th inst. the Chief of the Bureau of Surveys further says:

"I desire to state that the balance of the retained percentage after the payment of the sum of \$18,000 referred to in my letter of December 1, 1913, is ample to cover any possible loss to the City of Philadelphia, either by failure to comply with the remainder of the work or to remedy any defects in the work executed under said contract."

The surety for the contractor in due form and under its corporate seal agrees to such payment which "shall in nowise affect or impair the liability of the surety company on the bond heretofore given and attached to the said contract;" and it is further set forth by the Chief of the Bureau that the release of the amount in question to the contractor "meets the approval of Mr. William Hunter, Chief Engineer of the Philadelphia and Reading Railway Company."

It is seen from the foregoing recital from Section 50 of the specifications that the retained percentage may be held until the completion, acceptance and approval of the work, and the City officials may, if they see fit, insist upon compliance with these conditions before paying out the money so retained, or any part thereof. The purpose of the retention of this part of the consideration money is for the protection of the City, and, therefore, by making such payment in advance of the time stipulated a grave responsibility is assumed by the Director of the Department involved, or other officers consenting thereto. Nevertheless, where the City is, in the judgment of such officials, sufficiently protected against any hazard by the portion of the retained percentage which is withheld and by the surety bond accompanying the contract, and especially where the delay in the completion of the work is protracted far beyond the original expectation of the parties to the contract, through no fault of the contractor, but by the City itself, or by other contractors under it, or under the railway company with which it is acting in

conjunction, these exceptional circumstances may very forcibly appeal to the discretion of the Director in moving him to the release of a part of the money which, in literal strictness, the City might retain, this action being taken with the assent of the surety and all other parties who might have any right to object thereto. Whether such a case has arisen in the present instance is for you to decide and to act accordingly, always bearing in mind the responsibility which will rest upon you in diminishing the cumulative securities which the City holds to assure the proper and adequate completion of the work contracted for in accordance with the terms of the contract.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 9, 1913.

Paving of Appletree Street—Payment of J. Jos. McHugh.

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—In the matter of the contract between the City and J. Joseph McHugh for the repaving of Appletree street, from Eghith street to Perth street, the Court of Common Pleas No. 3 enjoined the City from proceeding with the work of repaving in the manner proposed after the contractor had done a part of the work, thereupon the Bureau of Highways replaced the street in the condition which existed before the work was begun. The contract was at unit prices, and Mr. McHugh is entitled to be paid under it for so much of the work as he actually performed at the prices stipulated. A warrant for such sum as he is thus entitled to, when drawn by the proper officials of the Department of Public Works, should be duly countersigned by you.

I am writing this to you because I am informed that you have never received official notice of the foregoing facts.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 9, 1913.

*Payment for Resurfacing Country Roads—State
Appropriation.*

JOHN M. WALTON, Esq.,
City Controller.

DEAR SIR:—I have your letter of the 6th inst., in reference to certain bills from the Bureau of Highways which have come to you, for the resurfacing of various suburban streets or roads and charged to the State appropriation under Act of July 25, 1913 (P. L. 1259). That Act appropriated \$300,000 (approved by the Governor to the extent of \$100,000) specifically to the Department of Public Works for the care, maintenance and improvement of country roads in the suburban section of the City of Philadelphia designated by the Director of the Department of Public Works. The statute is conditioned "that the said City shall spend an equal amount for the improvement of country roads in the suburban section of the City of Philadelphia." By ordinance of June 27, 1913, the City appropriated \$100,000 for improving country roads now surfaced, designating the particular roads to be improved. You ask advice whether you would be justified in countersigning warrants for the payment of said bills out of the State appropriation because the ordinance preceded by about a month the approval of the Act of Assembly, and because in the former the streets or roads to be improved were specified.

I do not think either of these reasons should prompt you to withhold your countersignature of the warrants. The condition of the Act is "that the said City shall spend an equal amount," etc. This will be literally complied with, for, although the ordinance was of earlier date than the Act, the spending of the money follows it in the order of time. Nor does any reason appear why the designation of the streets in the ordinance should prevent the use of the money in the manner proposed. It is true that the money appropriated by the State must be used in the improving of such country roads as are designated by the Director of the Department of Public Works in accordance with the statutory language, but the proviso with regard to the expenditure of an equal amount by the City merely provides that this money shall be spent "for the improving of country roads in the suburban section of the City of Philadelphia."

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 9, 1913.

Revision of Schuylkill Avenue on City Plan No. 164.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—Letter of George S. Webster, approved by you, dated December 3, 1913, on the subject of the revision of Schuylkill avenue on City Plan No. 164, has been received.

I, too, think it would be wise that agreements under ordinances calling for the performance of certain acts should be certified from this Department to the Board of Surveyors in such form that there should be no misunderstanding. The error in confirming the plan under

the certificate given was a natural one. It might be well, in addition to the certificate, to send to the Board of Surveyors a copy of each agreement for their files.

In regard to the readvertisement of the plan and reconfirmation of the same, I am of the opinion that this would be necessary, as, under my former opinion, the first advertisement and confirmation are void.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 12, 1913.

*In re Ordinance to Strike from City Plan Melrose Street,
from Bleigh to Shelmire Street.*

WILLIAM J. MILLIGAN, Esq.,
Chief Clerk, Select Council.

DEAR SIR:—In reply to your letter of the 10th inst., enclosing copy of Appendix 87, passed by Common Council and now on the desk of Select Council, asking whether the ordinance without the proviso would be of any avail, permit me to state that the street that is proposed to be stricken from the City plan, I am informed, has never been opened. It is simply plotted and therefore I do not understand how any one would be entitled to claim damages for the action proposed to be taken. With entire propriety, the ordinance may be amended by striking out the proviso.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 12, 1913.**Annulment of Contract of Sax & Abbott—Home for Feeble Minded.*

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of yesterday in reference to the correspondence in re Sax & Abbott contract.

The thought intended to be conveyed by the clause which you say is not quite clear to you was that the representatives of the original contractors would seem to have no possible right to claim compensation for the work actually done by the sureties as contra-distinguished from that done by the contractors themselves before the abrogation of the contract. Or, in other words, any claim which might be made by the Assignee in Bankruptcy of Messrs. Sax & Abbott cannot in any event extend to payments for work actually done by the surety company after the contract had been annulled. As to such payments, you are quite correct in understanding that you may draw warrants therefor directly to the Fidelity and Deposit Company of Maryland.

Trusting that this may clarify the matter, I remain,

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 15, 1913.**Occupation of Bed of Tasker Street by Equipment of Contractor.*

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves Docks and Ferries.

DEAR SIR:—I am in receipt of a letter from your Department in reference to derricks and other equipment

belonging to certain contractors and which have been stored upon the bed of Tasker street immediately back of the bulkhead "for a considerable time." Repairs are about to be made to the bulkhead and I assume, although this is not explicitly stated, that the presence of these articles on the highway interferes with the prosecution of the work. Desiring their removal you have communicated with the alleged owners some weeks ago but have had no reply, and are informed unofficially that such owners have stated that they do not intend to remove them. Inquiry is made whether the City has authority, after due notice and failure in compliance therewith, to remove the obstructions to vacant ground elsewhere which is owned by the City and charge the cost of removal against the owners; and whether, if the owners of the property abutting upon the street had consented to its occupancy in this manner that fact would alter the City's right to cause the removal of the obstructions.

In view of the circumstances I think the City would have a right to remove the equipment after due notice and non-compliance therewith, and doubtless if expense were incurred in so doing, it might justly refuse to surrender the property until reimbursed. The street being, as I understand, a legally opened one, no arrangement with the owner of the abutting property would justify the indefinite occupation and obstruction of the public highway, and such an arrangement, therefore, would not alter the City's rights in the premises.

It is possible that if this Department were advised of the names and addresses of the owners of the derricks, etc., a formal demand for their removal might bring speedy and satisfactory results. I however leave this suggestion to your discretion.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 16, 1913.**Responsibility for Repairs to Bridge Over Pennsylvania Avenue.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of the letter of the Chief of the Bureau of Surveys, approved by your Assistant Director, requesting the opinion of this Department whether the City of Philadelphia or the Philadelphia Rapid Transit Company is responsible for the cost of repairs to the bridge crossing Pennsylvania avenue on the line of Poplar street.

I understand the facts involved to be as follows: Pennsylvania avenue was opened in the year 1841 and thereafter occupied by railroad tracks. Poplar street was then upon the public plan but not opened, crossing Pennsylvania avenue at grade. After the property west of the railroad became a part of Fairmount Park, Poplar street was placed upon the City plan at a grade above that of Pennsylvania avenue, but extending only to the west side thereof. Poplar street, from Twenty-ninth street to the east side of Pennsylvania avenue, was subsequently dedicated to the City and duly accepted, and is now legally open from the east side of Pennsylvania avenue to Twenty-ninth street. The bridge on the line of Poplar street, crossing Pennsylvania avenue, was erected at the expense of the Union Passenger Railway Company under ordinance of December 31, 1885 (page 464), which authorized that company to lay a double track railway on Poplar street westwardly from its tracks on Twenty-ninth street to Pennsylvania avenue. There has been no proceeding to open that portion of Poplar street which crosses Pennsylvania avenue.

By Section 10 of the ordinance embodying the agreement between the City of Philadelphia and the Philadel-

phia Rapid Transit Company, approved July 1, 1907, the City of Philadelphia in consideration of the payment to it by the Transit Company of an annual sum, relieved that Company and its subsidiaries from the expense of the "repair of the streets occupied by their surface lines." By reason of this ordinance and agreement the Philadelphia Rapid Transit Company denies responsibility for the repair of the superstructure of the bridge crossing Pennsylvania avenue on the line of Poplar street, and the question presented is whether the opening of a street to the line of another opened street, but not upon the same grade, is an opening of such street across the street already opened.

In view of the foregoing facts the City should not, in my opinion, concede that the Philadelphia Rapid Transit Company is discharged from liability for making the repairs in question. Nevertheless the legal question involved is one as to which there may be some doubt, and I would recommend that a written agreement, in form to be approved by this Department, be entered into with the Transit Company for the doing of the necessary work, either by it or by the City, the ultimate expense to be borne by whichever party may be judicially held to be liable therefor in a case stated to be prepared and executed for that purpose.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 16, 1913.

Use of Playground by Private Citizen's Entertainment.

OTTO T. MALLERY, Esq.,

Secretary, Board of Recreation.

DEAR SIR:—I have received your letter of the 15th inst., in which you ask whether the Board of Recreation may allow a responsible group of citizens the right to use one

of the rooms in the building at the Athletic Recreation Park and to charge admission for an entertainment there to be given.

In answer thereto, permit me to say that the use of public property by private groups of citizens is not in accordance with law. The whole theory of public enterprises is that they shall be carried on for the use of the entire public, and to set aside any part of them for a special group is improper. If for one night, it could be done for one week, or for one year, and if a part of them, the whole might be so used by private persons. Councils by ordinance may authorize the sale or lease of public property, but by resolution such leaseings are to be the result of public auction. It is as follows:

“All leases or sales of the property of the City shall be made at public auction to the highest and best bidder, after due advertisement in at least five daily newspapers of the City for at least two weeks previous to the day of the sale.”

It is true that Councils have at various times directly entered into leases and agreements, but for general purposes the foregoing resolution is effective unless impliedly repealed by such direct action.

There is no authority resident in the Board of Recreation to make leases. The Act of Assembly creating the Board gives it power “to create, organize, manage and supervise the various playgrounds, recreation centers,” etc., and there cannot be deducted therefrom any power to transfer to private persons the property vested in the Board of Recreation, as trustee for all the citizens, even for a time and especially to consent to the charging of an admission fee. Under your own auspices, and with all the public who may desire to come invited, it might be most wise to encourage neighbor associations, but to allow private organizations, no matter how meritorious, to meet and charge admission fees is beyond your power, and I therefore so advise you.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 16, 1913.

MURRELL DOBBINS, Esq.,
City Treasurer.

DEAR SIR:—I am in receipt of your letter of this date, enclosing a copy of a communication to you from R. W. Finletter, Esq., attorney for the receiver of the American Product Company, in reference to the sale of bonds deposited by that company to secure its contract with the City for the removal of garbage, etc., for the year 1913.

I see nothing in Mr. Finletter's communication which should induce you to stop the sale of the bonds, and I am aware of no reason why you should not proceed therewith.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 16, 1913.

MURRELL DOBBINS, Esq.,
City Treasurer.

DEAR SIR:—I have received the letter of this date of the Assistant City Treasurer, stating that at the close of business to-day there is in your office the sum of two hundred and ninety-three (293) dollars and fifty-six (56) cents available for the payment of mandamuses, and inquiring what action should be taken in case mandamuses should be presented for payment in excess of that amount.

The Act of Assembly of April 15, 1834, provides that these writs shall be payable out of any money in the Treasury not otherwise appropriated; if there are no such funds, therefore, any mandamuses which may be presented cannot be paid at the present time. I think in that event you should follow the practice which has heretofore prevailed on such occasions, to endorse upon them the time

and order of their presentation, returning them to their respective holders.

The attention of Councils should at once be called to the situation, so that those bodies may make proper provision to meet these imperative demands upon the City Treasury.

Very truly yours,
 MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 17, 1913.

In re Power of Attorney to Pay Money to the Fidelity and Deposit Company of Maryland—Sax & Abbott Contract.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of this date, in re contract with Sax & Abbott, enclosing a letter to yourself from Washington Bowie, Jr., Esq., general counsel for the Fidelity and Deposit Company of Maryland, and power of attorney from that company to Herman Hoopes to receive the warrants payable to it under said contract, and to acknowledge receipt of same.

This power is executed pursuant to Article 3, Section 6, of the by-laws of the company and is duly acknowledged. I think it constitutes sufficient authority for you to accept it and deliver the warrants due the company to Mr. Hoopes.

I would be glad if you would obtain a copy of the power of attorney for our files, whereupon I will return the original to you. Mr. Bowie's letter is returned herewith.

Yours very truly,
 MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 18, 1913.**Application for Charter of the Philadelphia Motor Bus Company.*

A. MERRITT TAYLOR, ESQ.,

Director, Department of City Transit.

DEAR SIR:—In further reply to your letter of December 15th, relative to the incorporation of the Philadelphia Motor Bus Company, I have received a copy of the application for the charter, which provides in general terms that the corporation is formed for the purpose of the formation and operation of stage and omnibus lines and that its business is to be transacted in Philadelphia.

I am of opinion that the charter cannot convey exclusive rights on any of the streets of this City, and I note your statement that in that event you see no reason for opposing the application, and I shall therefore take no action for that purpose.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 19, 1913.**Indemnity Bond for Payment of Warrant—Markee & Co.*

JOHN M. WALTON, ESQ.,

City Controller.

DEAR SIR:—With reference to the warrant for \$1,817.72 in favor of Messrs. Markee & Co., I enclose an indemnity bond furnished by the Fidelity and Deposit Company of Maryland to protect and indemnify the City against loss by reason of the delivery of said warrant to that company.

This bond will, in my opinion, adequately safeguard the interests of the City and its officers, and by virtue of it there remains no further objection to the turning over of said warrant to the Fidelity and Deposit Company.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 23, 1913.

Payment of Amount Due Markee & Co.

JOSEPH S. NEFF, M. D.,

Director, Department of Public Health and Charities.

DEAR SIR:—I am in receipt of your letter of this date, with respect to the warrant for work done by Markee & Co., in the sum of \$1,817.72, in which you state that a representative of the bonding company and the attorney for Mr. Markee called and asked that the warrant be made payable to Markee & Co., or bearer, instead of a warrant in favor of that firm or order, as is the usual custom.

In this case the Fidelity and Deposit Company of Maryland has given a bond of indemnity to the City to protect it and its officials from any loss or liability that might possibility arise out of this transaction, and, in view of this fact, I see no objection to acceding to the request of that company that the warrant be made payable to bearer and not to order in the common form.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 23, 1913.**In re Moving Picture Auditoriums.*

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Building Inspection of the 17th inst., bearing your approval, and requesting an opinion as to the effect of Section 6 of the Act of June 19, 1911, bearing upon the construction of moving picture auditoriums.

I am of opinion that an open park could properly be regarded as a street within the meaning of that Act, and therefore that you would be justified in considering a frontage on Vernon Park as a legal frontage for a moving picture auditorium.

Inquiry is also made whether another building might be interposed between a moving picture auditorium and the street if the entire first floor of such building were omitted allowing a clear passageway to the moving picture auditorium in the rear. I do not think such a building could legally be interposed between the moving picture establishment and the street even if its first floor were omitted. If, however, the moving picture place fronts on Vernon Park, thus placing the interposed building in the rear, there would be no objection to this arrangement. It would be otherwise if the building were interposed between the moving picture auditorium and the only frontage. As to a building of more than one story in height upon the same lot, if this be disconnected from the moving picture establishment, I see no objection to its presence.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 23, 1913.

In re Construction of Buildings on Rear of Lots.

GEORGE D. PORTER, Esq.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Building Inspection, approved by you, requesting an opinion as to the effect of the ordinance of April 8, 1890.

The first section of that ordinance prohibits, with certain exceptions, the placing on the City plan or the opening of streets of a less width than thirty feet. Section 2 provides, *inter alia*, that it shall be unlawful to

“permit the erection of any building or buildings fronting on any street unless said street shall be of not less than thirty feet in width, as provided in Section 1 of this ordinance or on the City plan, and all of said street shall be continuous and run in a straight line from one public street an another.”

You ask:

“If a building is erected of the full width of a lot upon a legal street, the side lot extending in the rear to a court or alley or driveway not placed upon the City plan, could the owner of such ground erect upon the rear of such lot another building such as a garage or stable, placing same on the rear of the lot and fronting on such court, alley or driveway which has not been placed upon the City plan; or would such owner be compelled to make this court, alley or driveway of the legal width as specified for streets under this ordinance, and have same placed upon the City plan and dedicated to the City.”

The first section of the ordinance discloses the intention of Councils to prevent the future establishment of streets of less than the prescribed width. So far as they then existed, however, either by being on the City Plan or by be-

ing legally opened, Councils intended to tolerate them. The second section is in aid of the first, the intention being to prevent the gradual creation of conditions in violation of the purposes of the ordinance, by prohibiting the erection of buildings fronting on such streets. The language of the prohibition is disjunctive, and in accordance with its provisions, if the street in question is on the City plan and is less than thirty feet in width, a building fronting on it may be erected; if less than thirty feet in width and not on the City plan such a building may not be erected. Should the street be more than thirty feet in width, whether it is on the City plan or not, the ordinance would not forbid the erection of the building.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 23, 1913.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of the 22d inst., relating to fraudulent attempts to avoid assessments, with list of properties affected, which I herewith return.

In my letter to you of October 26, 1912, I set forth my views as to the best method to defeat this practice, which is, briefly, to treat the transfer of the property separated from the street by this narrow strip as a "straw" conveyance, and file the lien against the entire property of the usual depth in that neighborhood. This would drive the parties attempting to avoid the assessment into court to get rid of the liens, in which case they would probably have some difficulty to convince the Court that the transfer was "bona fide."

Of course, the views expressed in this and in my pre-

vious letter apply only to cases where there was a deliberate attempt to avoid assessments, and not to those which are merely the result of opening streets through larger tracts. In the latter case, the rule that only the abutting property is liable to assessment would doubtless apply.

Yours very truly,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 24, 1913.

Notice of Expiration of Penal Bond.

GEORGE W. NORRIS, Esq.,

Director, Department of Wharves, Docks and Ferries.
(John Meigs, Esq., Acting Director.)

DEAR SIR:—I am in receipt of a letter of the 23d inst. from your Department, in reference to a contract of December 1, 1911, with Butler Brothers Construction Company, for the construction of a pier and bulkhead at the foot of Dock and Spruce streets, Delaware river. From this it appears that the work under this contract having been performed, with the exception of an item of \$743.89; an estimate has been forwarded to the City Controller to pay the contractor the retained percentage due with the exception of \$2,000 to be held to cover said item. The penal bond expiring on December 1, 1913, the sub-contractors were notified of that fact and that final payment was about to be made.

You inquire whether your Department "has taken all necessary steps to protect the City against any suits by sub-contractors, and if not, please advise just what we shall do in the matter."

Your Department has not only taken all necessary steps to protect the City but in notifying the sub-contractors as aforesaid it has taken a step which was not necessary for

that purpose. Under no circumstances could the sub-contractors maintain suits against the City. Their relations are entirely with the principal contractor, and aside from the personal responsibility of the latter, the only protection of the sub-contractors is upon the penal bond. It is for them to keep themselves advised as to the date of expiration thereof and the City is not called upon to intervene between the parties to the sub-contracts. When the principal contractor is entitled to his payments under the terms of the contract neither your Department nor this one, nor the City Controller, nor any other municipal officer, has the right to withhold such payments, and should they endeavor to do so they may make themselves and the City liable to legal proceedings for the immediate recovery of the money, as have been threatened in the present instance.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 24, 1913.

Welsbach Street Lighting Company—Status of Gasoline Light.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I duly received your further inquiry as to the status of the Welsbach Street Lighting Company of America under the Public Service Corporation Act of July 26, 1913 (P. L. 1374), and am now in receipt of the charter or articles of incorporation of that Company. With your letter was enclosed copy of an opinion of the Chief of the Bureau of Gas upon the question put, which is, whether the Welsbach Street Lighting Company can be regarded as an "artificial gas corporation" within the meaning of that Act.

The object of incorporation as stated in the charter, is to "manufacture, erect and maintain street lamps and appliances for furnishing light in streets and public grounds and to light streets and public grounds." This adds nothing to strengthen the hope of including the Company in question among artificial gas corporations. In the letter from the Chief of the Bureau of Gas, after stating that technologically a gasoline mantle light as used in street lighting is an individual gas manufacturing plant within itself, vaporizing oil to a gas and then consuming it in the mantle, he continues:

"This appears to me to be very small grounds to classify the above procedure as doing the work of an artificial gas corporation, since the gasoline light corporation requires none of the special privileges commonly associated with the public utilities, in order to conduct its several individual gas plants, since each individual lighting unit may be considered as such. I see no other possible comparison between the gasoline light corporation could be in any wise used to open the question before the Public Utilities Commission."

I am forced to agree in this view of the situation. I do not believe that a company whose function it is to erect and maintain lamps for lighting streets and public places, whether gasoline or other lamps are used, is to be assimilated to an artificial gas corporation with any degree of propriety or respect for the common usage of the words employed.

An artificial gas plant differs too much in every essential particular from a series of independent lamps burning the vapor of gasoline to permit of the extension of the accepted significance of the former terms so as to include such individual lighting units, and I see no reasonable ground to expect that a company of this character would be held to be covered by the language of the statute.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 26, 1913.

Contract for Heating and Power Plant at Home for Feeble-Minded.

DR. JOSEPH S. NEFF,

Director, Department of Public Health and Charities.
(A. M. Wilson, Acting Director).

DEAR SIR:—I am in receipt of your letter of this date, stating that bids for the construction of a heating and power plant at the Home for Feeble-Minded at Byberry have been opened, the specifications for the work having been prepared as a whole, and to be made the subject of one contract. Four bids were submitted for the work as a whole and three bids were received for the electrical work alone. Advice is asked as to the validity of the specifications so drawn and the authority of your Department to award a contract for the work as a whole in view of the Act of May 1, 1913 (P. L. 155), which provides that in the construction and alteration “of any public building” it shall be the duty of the “architect, engineer or other person preparing such specifications” to separately provide for bids for the plumbing, heating, ventilating and electrical work, and to enter into separate contracts for each of the said branches of work.

It will be noted that this Act is made applicable by its terms only to “any public building.” Whether it is intended to extend to municipalities or whether the public buildings referred to are those of the State may be open to question. Moreover, in the recent case of *Commonwealth vs. Casey*, 231 Pa. 170, it was decided by the Supreme Court that in so far as a municipal corporation is endowed by law with the power of contracting and is made capable of acquiring, holding and disposing of property, and subject to the liabilities incident to the exercise of such power and capacity, such municipal corporations must stand on the same ground of exemption from legislative control and interference as a private corporation,

and that a statute purporting to regulate the hours of work of laborers in the employ of municipal corporations, or otherwise engaged in public works, was unconstitutional as being special legislation. The entire subject was discussed at considerable length in the opinion of Mr. Justice Stewart in the case above cited, and from the conclusions stated by him on behalf of the Court, it would seem that the Act of May 1, 1913, would be within the reasoning upon which the decision in that case was based.

I understand, further, that if the present bids for the work as a whole shall be rejected and invitations issued for separate bids upon the respective branches thereof, it would be impossible to enter into contracts before the expiration of the current year and thus prevent the merging of the appropriation involved.

Bearing in mind all of the foregoing considerations, I would advise you to award and execute one entire contract for the construction of the heating and power plant, if that course be deemed an advantageous one in view of the bids received, and unless you should be prevented from so doing as a result of any action which may be taken for that purpose.

The copy of the specifications and proposal sheet so kindly submitted with your letter are herewith returned.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 26, 1913.

In re City Architect.

MORRIS L. COOKE, ESQ.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of this date, asking advice whether “it is entirely up to Councils to decide whether we shall have a City Architect.”

I find no provision of law which make it incumbent

upon Councils to so provide that there may be a City Architect, and I do not see in what manner Councils could be compelled to make an appropriation for the salary of that official if they do not deem it prudent or advisable so to do.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 26, 1913.

Return to Parents of Children Committed by Order of Court.

A. M. WILSON, Esq.,

Acting Director, Dept. of Public Health and Charities.

DEAR SIR:—I am in receipt of your communication of December 24th, inquiring whether your Department can lawfully return to their parents children committed to it by the Courts under the Act of June 11, 1879, without further action by the Court.

The Department is in the position of guardian of the person of such children. It is responsible for them to the Court, and, having accepted the trust, cannot renounce it without the consent of the Court. When the children were committed to your Department facts were disclosed which indicated the unfitness of the parents, for one reason or another, to properly care for them. A change of conditions at home eliminating the character of the parents as unfit persons for the custody of the children alone would warrant their return to their natural guardians, and if such be the case the proper procedure would be to present the altered facts in a petition to the Court for authority to return the children. This is the only safe means of relieving your Department from its obligation as guardian.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

*Philadelphia, December 27, 1913.**Bids for Incandescent Street Lighting—Welsbach
Company's Offer.*

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your letter of this date, in reference to the situation arising out of the failure to secure a satisfactory bid for the lighting of the lamps in streets and public places of the City for the year 1914. At the last invitation to bidders it appears that no bid upon the specifications submitted was received, but the Welsbach Street Lighting Company offered to continue such lighting under the terms of the present contract for January and February, 1914, at the present price of \$29 per lamp. In reply thereto, certain propositions to that company were made by you as to which you have as yet had no answer, and you state that "obviously in case they refuse any or all of these things we will be forced to accept their offer to continue lighting under existing conditions for two months pending our making some other arrangement for the balance of the year." You therefore ask what steps should be taken to execute this contract in legal form, and especially whether there is any action which Councils should be asked to take at their meeting on Tuesday, December 30th, as that will be the last meeting prior to the beginning of the year.

I understand that there have been three successive efforts made to obtain competitive bids for this service as required by the Act of 1874, to the first of which invitations no bid whatever was received; the second was answered by a bid of \$32 per year for each lamp by the Welsbach Company, and to the third, the only reply was a letter from that company in which it declined to make any bid for the entire year, but made the offer above referred to—to continue the street lighting at the price at which this was being done during the current year for two months.

The emergency is an immediate and pressing one, as the necessity for continuing the lighting of the City streets (otherwise than by illuminating gas furnished by the United Gas Improvement Company and by electricity) is absolute and imperative. I do not know whether the bid of the Welsbach Company at \$32 per year has ever been rejected otherwise than by the implication arising from the later invitation for proposals, nor whether, should it be desired to revert to that bid, the pending appropriation available for the purpose is sufficient. The only other alternative seems to be to agree to the proposition made by that company to continue the lighting for a period of two months at the present price. If this is deemed advisable, an agreement between the City and the company would, of course, have to be embodied in a formal contract in order to comply with the law. The letter in which that offer was made was an answer to the request to intending bidders to make their proposals and while it was not based upon the specifications prepared for such bidding, I think it may be regarded as a bid by that company in answer to the said invitation, especially as the three opportunities offered to bidders did not elicit any competitive bidding whatsoever, and the more so as the present emergency is such as to justify such a view of the situation. As has been held by the Supreme Court, the purpose of the Act of 1874 in requiring municipal contracts to be let to the lowest responsible bidder is to secure competition wherever possible, but when it is found, or may properly be assumed, that competitive bidding is impossible, then the requirements of the formalities prescribed by that Act are modified to fit the case. I believe that the present circumstances are of such a character that this view of the statute is applicable, and I see no reason why the appropriation for incandescence lighting, if the ordinance in which it is embraced shall become a law, should not be divided and a sufficient part of it applied to a contract running for the first two months, leaving a balance to provide for the remaining months of the year under such new contract as may be entered into for that purpose.

In reply to your inquiry whether there is any action which should be taken by Councils at their next meeting,

I would suggest that, in order that there may be no doubt that the execution of a contract under the proposal of the Welsbach company for the months of January and February is with the approval of the legislative as well as of the executive branch of the City Government, a joint resolution of Councils should be secured authorizing the acceptance of the Welsbach Company's offer and the use of so much of the money appropriated for incandescent lighting for the year as may be necessary. Such resolution should distinctly authorize the Mayor to enter into, and the City Controller to countersign, a contract with the Welsbach Street Lighting Company in accordance with its offer, and to charge the amount thereof against the said appropriation under its proper item, and also that authority is conferred upon the Director to draw warrants, and the City Controller to countersign them, as shall be provided in said contract.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 29, 1913.

HON. RUDOLPH BLANKENBURG,

Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt of your letter of the 27th inst. propounding a series of questions with relation to certain pending ordinances embracing the annual appropriations for the year 1914.

1. Referring to the opinion of this Department of December 19, 1911, that the requirement in such ordinances limiting the employment of subordinates in the departments to persons who have resided in the City of Philadelphia for one year prior to their employment is illegal, you ask whether a similar provision at the present time would

invalidate the appropriation, or whether the restriction would alone be void leaving the appropriation in full force.

In my opinion the latter would be the result. The appropriation would remain in full effect and the illegal proviso alone would fail.

2. The appropriation to the Department of Health and Charities contains the following:

“Assistant Director and Superintendent of Byberry Farms (who shall be a graduate in medicine, licensed by the State Medical Board and a practitioner for five years), four thousand (4,000) dollars.”

As to this you inquire whether the parenthetic limitation is valid, and if not, whether it alone is void leaving the appropriation in effect.

By the Act of April 8, 1903, the right of appointment of the Assistant Director is vested in the Director of the Department of Public Health and Charities. This right is not subject to limitation by Councils, and in my judgment the restriction in question upon such power of appointment is invalid, leaving the appropriation otherwise in full force and effect.

3. In the annual appropriation ordinance for 1914 to the Department of Public Safety, and to some of the other departments (not including the Department of Wharves, Docks and Ferries or the County Departments) it is provided that before the City Controller shall countersign any warrant for the payment of wages or salaries an affidavit from the head of the bureau shall be required that employees were performing the work for which they were appointed, and were taken from the eligible lists certified by the Civil Service Commission for such character of work, and were not assigned to or employed in other duties. You ask if these clauses, thus affecting some departments and not others, contravene the requirement of law that ordinances of Councils shall be general and affect all citizens alike.

In my opinion these restrictions do not contravene the requirement of law referred to in so far as any such re-

quirement exists. The clauses relate to the general conduct of the City's business as to which there is no requirement that every Department shall be affected by all ordinances affecting any Department. In this connection you further ask whether Councils have the power to require an affidavit of this kind, and whether the City Controller would be justified in refusing to countersign warrants because of the absence of such affidavit.

The Act of March 5, 1906, Section 13 (Civil Service Act), provides:

"No person shall be appointed or employed under any title not appropriate to the duties to be performed."

You cite this Act and ask whether Councils have the power to expand this provision.

I think that Councils have the right to provide the method by which this mandatory provision of the law shall be carried into effect, and I do not believe they are exceeding their powers in requiring that the language embodied in the appropriating ordinances shall be put in the form of an affidavit before the City Controller shall countersign warrants for the payment of wages or salaries.

4. You ask if some of the annual appropriations do not become law on or before December 30th what will be the affect on the drawing of warrants, the execution of contracts, and on other financial operations of the City, and whether contracts can be executed under these circumstances by the departments for which the annual appropriation ordinances have been signed in spite of the fact that similar ordinances for other departments have not been signed.

The Act of June 11, 1879 (P. L. 130), Section 1, provides that:

"The City Controller shall not countersign any warrants (except for the payment of interest and for the Sinking Fund) pertaining to any of the appropriations until the said Councils shall have first passed all appropriations necessary for the expenses for the

current year of each department, board, commission or trust connected with said City; nor shall said officer countersign any warrants except as aforesaid until the total of all appropriations, all estimates and other legal obligations shall have been brought within the sum yielded by the tax levy and average income from every source ascertained as aforesaid."

While this prohibition applies in terms to the countersignature of warrants only, I would repeat the advice given by me under date of December 20, 1912 (City Solicitor's Opinions of that year, page 542), as follows:

"Before countersigning any of the City contracts, as required by Articles 7 and 14 of the Act of June 1, 1885 (Bullitt Act), even under appropriations already made, the City Controller properly regards it as his duty to have before him all of the appropriations for the government of the municipality during that year, in order that the items may be verified and compared with the estimates, and that no contract shall be countersigned by him, and thus given legal validity, until the directions of the Act of 1879 shall have been complied with, and the total of the expenses of the City brought within the available revenue. Therefore, no contracts can be executed and countersigned on the part of the City until all of the annual appropriations shall have been made."

5. You state that a special meeting of the Select and Common Councils will be held on December 30th, at 3 P. M.; that a number of annual appropriation ordinances were passed by Councils on December 23d and presented to you on December 26th, and you ask:

(a) If these ordinances are not vetoed and are not sent to Councils with a message at their meeting on December 30th, and if no subsequent meeting of the present Councils is held before their terms of office expire on January 5, 1914, would a veto be effective if sent to the newly organized Councils holding their first meeting on the last mentioned date?

(b) If these ordinances are not vetoed but are per-

mitted to become law without your signature, when would they become law if at all? Would the fact that the old Councils may have gone out of existence before the complete expiration of the ten-day period prevent their becoming law and would they die as unfinished business of the old Councils, or would they become law after the meeting of the newly organized Councils because of your failure either to sign them or to return them to Councils with a veto message at that time?

The questions thus asked are by no means free from doubt, and in the limited time at my disposal I feel greatly averse to making absolute and positive answers thereto. The authorities conflict whether local municipal bodies like the Councils of this City are continuing or whether each new Council is a different body from that which preceded it. If Councils are to be regarded as a continuing body there can be no difficulty in answering your several queries, for in that case the method of approval of bills, or vetoing them, or permitting them to become law without the signature of the Mayor, would be the same as in ordinary cases.

The Act of May 23, 1874, Section 4 (P. L. 232), provides that:

“The Mayor shall sign the said resolution or ordinance if he approve it, or shall return the same to the branch of Councils wherein such resolution or ordinance originated within ten days, or at the next meeting of Councils after ten days have expired if he does not approve it, with the reasons therefor; and if thereupon each branch of Councils pass the same within five days of such veto by a vote of three-fifths of all members elected to each branch, it shall become effective as though the Mayor had signed the same; it shall equally become effective if he should neglect to return the same within such ten days.”

In my judgment the theory that the Councils are a continuing body is the correct one, and I am informed that this view is sanctioned by the practice which has long prevailed in this City. I think, therefore, that it would be safe

if you wish to take the entire ten days allotted you by law to approve or veto the ordinances, to return them with your signature or disapproval, to the incoming Councils at their meeting on Monday, January 5, 1914, and that if neither of these courses is followed they will become laws without your signature on that day.

As I have already indicated, however, the authorities upon this subject are by no means unanimous, and I would suggest in order to prevent any doubt as to the validity of the said ordinances, or your vetoes thereof, as the case may be, that you take such action upon them as you may deem advisable before the expiration of the present Councils; if necessary convening them in special session to receive your messages upon the subject.

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 29, 1913.

Contribution by P. R. T. Co. Towards Abolition of Grade Crossings—P., G. & N. R. R. and Richmond Branch, Reading.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of a letter from the Chief of the Bureau of Surveys, approved by you, enclosing copy of a communication to himself from the Chairman of the Executive Committee of the Philadelphia Rapid Transit Company, relative to the contribution of \$400,000 by that company towards the abolition of grade crossings along the Philadelphia, Germantown and Norristown Railroad and the Richmond Branch of the Philadelphia and Reading Railway. The representative of the Rapid Transit Company in this letter states that the company has no desire other than to live up to the letter and spirit of its obliga-

tions to the City of Philadelphia in the matter. He further states that he understood that the City had acquiesced in the company's claim to set-off against the money payable under its agreement to contribute the sum of \$400,000, the expenditures to which the railway company was put by reason of the removing of the grade crossings in question; and he continues that, "if the City now takes the position that the off-sets claimed should not be allowed, this company is willing to arbitrate the question, or, there being no disputed facts, it can be brought before the Court in a case stated."

Inquiry is made as to the course this Department would advise in regard to the steps that should be taken in the matter. I think the City should not consent to any arbitration upon the subject. If the Rapid Transit Company will not otherwise pay the balance due under its agreement, it will, of course, be incumbent upon the City to begin suit against that company and its surety, and, in that event, I see no reason why the matter should not be brought before the Court in the form of a case stated, or what is the substantial equivalent thereof, a statement of claims, affidavit of defence and rule for judgment for want of a sufficient affidavit. There need be little or no difficulty as to the method in which the concrete question will be presented for adjudication.

Very truly yours,

MICHAEL J. RYAN.

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 30, 1913.

Substitution of One Surety for Another—Penn Reduction Company.

MORRIS L. COOKE, Esq.,

Director, Department of Public Works.

DEAR SIR:—I am in receipt of your communication of even date, informing me that the Penn Reduction Com-

pany has requested permission to substitute the Maryland Casualty Company as surety in the penal bond upon the contract for the removal of garbage for the year 1914, and stating that for reasons which have come under your notice you are indisposed to grant the request. You ask whether you have a right to refuse to grant this request, and, if so, what steps, if any, you should take.

The information furnished to bidders at the time of the request for bids, in Clause 9, provides:

“The competency and responsibility of bidders will be considered in making awards, and the Director of the Department of Public Works reserves the right to reject any or all bids, as he may deem best for the interests of the City of Philadelphia.”

Section 28 of the specifications provides:

“Any contract awarded under these specifications will be subject to the provisions of the ordinance approved March 30, 1896, * * * and contractors will be required to state in the proposal the name and address of the company, firm or person offered as surety on the penal bond.”

In its bid and in its proposal the Penn Reduction Company offered the National Surety Company of New York as surety on the penal bond.

I am of the opinion that the requirement of the specifications makes the identity of the surety a material element in determining the responsibility of bidders, and that when a proposal is accepted containing the name of a particular surety the bidder cannot, without the consent of the proper municipal authorities, substitute another surety. You are therefore entitled to object to the substitution of the Maryland Casualty Company for the National Surety Company in this contract. The advisability of doing so, however, and the responsibility of the company offered as substitute surety are questions entirely for your determination. If one surety company is as responsible as the other, substantial reasons should exist before the request is refused. However, this is a matter which is in your hands; I merely advise you that you have a right to permit the substitution if you deem it proper. I might call your attention,

however, to the fact that the contract must be executed before the expiration of the year, and that a dispute with the Penn Reduction Company at this time might postpone the prompt execution of the contract.

Whichever way you decide, may I ask you to promptly inform me, in order that the proper papers may be prepared in this office in time for their execution?

Yours very truly,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 31, 1913.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—In reply to your letter of this date, in relation to the Public Service Commission and municipal contracts, permit me to say:

1. That no contract could have been executed for 1914 until after this morning, at which time the general appropriation bills were signed.

2. That the contracts between the City of Philadelphia and the Philadelphia Electric Company, the Bell Telephone Company, and the Keystone Telephone Company, all contain a clause inserted after consultation with the counsel for the Public Service Commission to the effect that such contract is entered into subject to the approval of the Commission.

3. All of the work in relation to these annual contracts has been completed so far as this Department is concerned.

4. Immediately after the beginning of the year, application will be made to the Public Service Commission for approval, as required by law.

Very truly yours,

MICHAEL J. RYAN,

City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 31, 1913.

In re Ordinance as to Fire Inspector, etc.

GEORGE D. PORTER, ESQ.,

Director, Department of Public Safety.

DEAR SIR:—I am in receipt of your inquiry of yesterday as to the validity of an ordinance approved February 27, 1911, providing for the creation of the position of Fire Inspector, and containing the proviso:

“That the said Fire Inspector shall be at least sixty-five years of age, shall have served as a member of the Fire Bureau at least thirty-nine years, consecutively, and shall have served as a Chief of the said Fire Bureau for at least eighteen years, consecutively: *And provided further*, That the said Fire Inspector, while drawing the annual salary aforesaid, shall not be a beneficiary of the Firemen’s Pension Fund.”

I am of opinion that any such ordinance as this is invalid, in so far as concerns the proviso, because it attempts to make qualifications with respect to the appointee, which are not within the legislative discretion of Councils.

You further ask as to the validity of an ordinance of 1883, appropriating twelve hundred dollars for the salary of Joseph T. Hammond, which you state has been repeated from year to year until 1912, when the appropriating ordinance for the year 1913 “contained the title of Inspector.” You say that you have not been able to find any ordinances creating this position, and would like to know what power Councils have to make an appropriation in this manner. In many cases a position in the executive department is created only by the appropriating ordinance and not by a specific ordinance for the purpose. This, I think, is proper and valid. I do not know whether you mean that the appropriation for 1913 contained the name of the appointee; if so, such a method of making

an appropriation is not within the province of Councils, as this would be in effect to transfer the power of appointment to those bodies, instead of the executive departments to which it pertains.

Yours very truly,

MICHAEL J. RYAN,
City Solicitor.

LAW DEPARTMENT.

Philadelphia, December 31, 1913.

HON. RUDOLPH BLANKENBURG,
Mayor of the City of Philadelphia.

DEAR SIR:—I am in receipt, at noon to-day, of your communication of this date, requesting my opinion whether it is obligatory upon Councils to provide for the payment of the salary of the Chief of the Bureau of Housing and Sanitation, at not less than \$3,500 a year, and if an appointment is made by you, whether the incumbent may proceed by mandamus to collect the salary.

A copy of an opinion upon the subject by Frank P. Prichard, Esq., concurred in by John G. Johnson, Esq., has been left at this office by Assistant Director Wilson, and I am informed that you have acted in accordance therewith, and, of course, an expression of my views now is unnecessary, as, should Councils fail to act, the whole matter will come before the Courts for adjudication.

Very truly yours,

MICHAEL J. RYAN,
City Solicitor.

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